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SOCIÉTÉ JERSIAISE

"CÆSAREA

OR

A Discourse of the Island of Jersey"

PAR

LE LIEUTENANT-BAILLI JEAN POINGDESTRE

ÉDITÉ PAR

WILLIAM NICOLLE, M.A.

JURÉ-JUSTICIER

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PRÉFACE.

Le dix-septième siècle à Jersey fut fécond en hommes illustres. Parmi eux nous comptons les deux Baillis, Messire Philippe et Messire George De Carteret, vaillants défenseurs de l'île contre les forces républicaines; Michel Lemprière, Bailli sous Cromwell et chef du parti républicain dans notre île; les deux Bandinels, le doyen et son fils, dont l'évasion hors du Château Mont-Orgueil est un des évènements les mieux connus et les plus tragiques de ce siècle; le Révd Philippe Falle, l'historien de Jersey; le Lieutenant-Bailli Le Geyt, le célèbre commentateur de nos lois; et le Lieutenant-Bailli Poingdestre, commentateur encore plus célèbre, et peut-être le plus illustre de tous ces hommes illustres.

Jean Poingdestre, le futur Lieutenant-Bailli, naquit à Grainville dans la paroisse de Saint-Sauveur en avril 1609. Il était le second fils d'Edouard Poingdestre, seigneur du fief ès-Poingdestres.

La famille des Poingdestres avait rempli les plus hautes charges dans l'île de Jersey: trois de ses membres avaient été Baillis au xve siècle, et Jean Poingdestre, qu'on dit avoir été l'ancêtre de l'auteur de cette Histoire, fut nommé Lieutenant-Bailli en 1485.

Dès son jeune âge Jean Poingdestre se fit remarquer par son talent, et à l'université d'Oxford, où son père l'envoya, il devint "Fellow" du collége Exeter en 1636 et fit des études tellement sérieuses des langues classiques qu'on le comptait parmi les hommes les plus érudits du siècle, principalement à cause de sa connaissance de la langue grecque. Il fut chassé par les Parlementaires du collége Exeter en 1648 et se réfugia à Jersey, où il aida à Messire George De Carteret à défendre le château Élisabeth contre les troupes républicaines, lors du fameux siége de cette forteresse en 1651.

Après la restauration de Charles II M. Poingdestre habita l'Angleterre. En 1669 le Bailli, Messire Édouard De Carteret, le nomma son Lieutenant. Avant d'entrer en charge il fut élu juré-justicier. Il se démit de ses fonctions de Lieutenant-Bailli en 1676, mais resta Juré-Justicier jusqu'à sa mort en 1691.

Feu Messire Robert Pipon Marett dans sa "Notice sur la Vie et les Écrits de Mons. Le Geyt" fait l'éloge de M. Poingdestre. Il dit: "M. Poingdestre était un homme d'un mérite singulier, dont le génie, naturellement fécond, s'était enrichi par une culture assidue. Il s'était nourri l'esprit et formé le goût par la lecture des écrits que l'antiquité nous a laissés comme un legs précieux. Les Lois Civiles lui étaient familières; il les avait méditées avec soin, et en avait fait son étude favorite. Personne mieux que lui n'a connu notre histoire, nos institutions, les priviléges dont nous jouissons, les lois qui nous gouvernent. Il s'en était occupé de bonne heure, et avec une assiduité qui ne se ralentit jamais jusqu'au dernier moment de sa vie. Quelques ouvrages, que nous aimerions à voir livrés à la publicité, restent encore pour démontrer que ses veilles n'étaient pas stériles, ni ses recherches sans profit."

Aujourd'hui la Société Jersiaise publie un de ces ouvrages; le Révd Philippe Falle s'en servit en écrivant son histoire, comme le fameux historien jersiais l'admet lui-même. Il dit: "I must own that the Foundation on which I build is His, and a great Part of the Materials employed in this work are His also."* Il y en a beaucoup qui croient que si Poingdestre ne lui avait pas frayé le chemin Falle ne se serait jamais hasardé sur la voie historique. M. Poingdestre écrivit plusieurs autres ouvrages, dont les plus célèbres sont les "Commentaires sur les Lois de Jersey" et les "Commentaires sur la Coutume Réformée de Normandie," ouvrages des plus autorisés sur les lois et les coutumes du pays, mais qui malheureusement ont resté jusqu'à présent inédits.

Le manuscrit dont on s'est servi pour cette publication appartenait à feu Messire Robert Pipon Marett et est resté entre les mains de sa famille, qui a eu l'obligeance de le communiquer

* Account of the Isle of Jersey, 1ère éd., Préface, p. 7.

à la Société Jersiaise. Il a été collationné mot à mot avec l'original, qui se trouve au Musée Britannique. Cet original fut présenté par l'auteur au roi Jacques II et donné par ce dernier au comte d'Oxford. Cet homme d'état célèbre, le Mécène de son temps, a écrit de son écriture fine sur le premier feuillet blanc les mots suivants: "This did belong to King James. I had it from Col. Grahme."

L'original, livre assez mince et d'un petit format, est relié d'une façon très-élégante, et forme partie de ce qu'on appelle au Musée Britannique "The Harleian Collection," où il est coté Nº 5417.

On peut par ce que l'auteur lui-même nous dit dans cette Histoire établir l'année dans laquelle il l'écrivait. A la page 23 on trouve ce qui suit: "The last year 1681 was y^e^ greatest Cydar yeare that ever was seene." De là il ressort que M. Poingdestre écrivit cette partie de son livre en 1682, lorsqu'il était âgé de 73 ans.

Novembre 8, 1889.

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CÆSAREA

OR

A Discourse of the Island of Jersey

IN TWO PARTS

THE FIRST

AN ACCOMPT OF IT AS IT IS AT PRESENT

THE SECOND

SOME HISTORICALL OBSERVACONS RELATING TO ANTIQUITY.

Homer, Odyss. IX.

Τρηχεῖ', ἀλλ' ἀγαθὴ κουροτρόφος, οὗτοι ἔγωγε
Ἧς γαίης δύναμαι γλυκερώτερον ἄλλο ἰδέσθαι.

A VIEWE OF THE ISLANDS.

THE FIRST PART.

CHAP. i.

The Description of Jersey, the nature of y^e^ Soile, number of Inhabitants, theire occupations, hauens, Townes, fortifications & other principall things therein conteined.

The Isle of Jersey in M^r^ Cambdens accompt, & of others who have written of it, exceeds not twelve miles in lenght, & thirty or, at most, thirty six in compasse: but by a late more exact Survaye, it is found to exceed forty; and yet if one should measure it following closely the surface of y^e^ ground, y^t^ is to say descending with y^e^ Vallyes & then ascending with y^e^ Hills, there would be found a much greater proportion: for y^e^ whole Island esp̃ally towards the West, South & Southwest parts is a continued series of hills dales & meadowes lying betweene them, some indeed stony & barren as to corne, but for the most part capable of some kind of husbandry, as trees & Orchards, or at least pasture of sheepe, and fewell, Ferne Furzes & broome. It lay heretofore, about a hundred years since, allmost open, with fewe Inclosures in it & very fewe Orchards; the ordinary drinke of those times being, not as at p̃nt cydar, but a kind of meade made of hony as y^e^ principall ingredient, of two sorts; the one called Vittoe, soe strong, that it made men drunk as cydar doth nowe; from whence there is still a Proverb vsed among the People: "Vous estes Envittoe," for one who knowes not what he doth: y^e^ other sort was called Boschet; for then the people

gñally applyed themselves to the keeping of bees, which thriued there exceedingly, & made a more excellent sort of hony, then is seene ordinarily; which since by ye multiplying of apple-trees hath by degrees ben neglected; & those sorts of drinke left off vtterly. As likewise that kind of sheep whereof the females had most times foure hornes, & the rams oft-times six, that is three of each side, whereof two made a circle towards the nose, two others another circle back-wards towards the eares, & two stood upright betweene them, which kind was of a small size, is allmost abolished, by the substitution of a larger kind, like those in Salisbury plaine, brought, I suppose, out of England. Likewise in lieu of Vittoe & boshet ye auncient drinke Cydar is at present alltogether in vse: wee have likewise made vse of perry heretofore, before Cydar was soe plentifull as it is nowe, but at present it is soe little regarded that labourers & servants will hardly drinke of it: for Cydar is growne so plentifull; that it serues not onely for common vse euen to excesse; but much of it might be spared for transportation. For of late times people finding the proffitt arising from Improvement of ground by orchards to be farre aboue that which they had afore by Tillage, they have soe vniuersally applyed themselves to make fences for ye preservacon of theire Apple-trees that the whole Island was in danger of becoming, at last, a continued orchard, if care had not ben taken to put a stopp to that vnlimited inclinatiō of ye Inhabitants. By which meanes husbandry is nowe soe decay'd that whereas formerly there grewe more corne in ye Island, then was sufficient for its prouision, & that much of it was transported abroad, nowe on ye contrary, it must be beholding to Britany & other places beyond sea, for one half, at least, of what is spent there. For besides the increase of Apples, the people, who were wont to attend Tillage, a painefull occupation, and sowing of hemp & flaxe for ye making of linnen cloth, finding nowe by experience more ease in knitting of stockings & wastcots, haue soe generally, men women & children, giuen themselves that waye, that none will assist husbandmen, but with repugnancy, & at such rates, as cannot consist with that moderate price at which foraigne

Corne is sold in the market. For as to that reason which is commonly giuen of the difference betweene the time past & present, viz., that the number of people that nowe is, being greater then was anciently, is the cause why the Island is not sufficient to feed them all, seems to me farre short of the truth. It is indeed hard to guesse at the number of people in former times; but by all y^e^ coniectures can be made from ancient Records of surnames & such like circumstances, it is probable, that there were then as many Inhabitants in the Island, as at present. I knowe it hath ben from a long time beleeued that the Isle of Jersey conteines fifty Thousand persons of all sexes & ages; but it is easy to shewe y^e^ contrary; & that there are not past Twenty Thousand. Wee knowe by y^e^ Muster Rolles howe many beare Armes, & howe many Cōunicants there be in each Parish: make a guesse at y^e^ number of children & infirme persons, & you cannot be much out in yo^r^ coniecture, vnlesse perhaps you thinke it a surer waye, by taking the number of the severall familyes in each Parish, & then y^e^ number of persons in each family; which may easily be don; & soe the whole number knowne. Within fewe hundreds of these the greatest part are knitters. For as there be many houses, in which there are fewe or none; soe there are a greate many more, where man & wife children & all, beginning at y^e^ age of fiue or sixe yeares old, have noe other imployment, & may be sayd to make (taking one with another) every one a paire of stockings every weeke: which must after my accompt come to more then ten Thousand paires weekely. All these stockings are bought by Merchants of that profession every Saterday, in fewe houres' time, in the Towne of S^t^ Helery (not Hilary, as hath ben by writers mistaken), where a plentifull markett is kept that day, all the yeare long, for all cōmodities, in the manner of a Faire: and hauing ben washed & prepared by them, they are for y^e^ most part transported into France: some fewe are alsoe caryed into Spaine of a different making from the rest, according to y^e^ vse of that Countrey; fewe or none goe for England, but knitt wastcosts* onely.

* Sic.

Besides ye Towne of St Helery, which is the chiefe with vs, there is the Port Towne of St Albin, (Albinus), not Albon, which is much improued, since the beginning of a Peere there: for it hath brought allready soe much reputation to that place, though yet vnfinished, that within these fewe yeares the buildings are growne there double the number they were afore the sayd Peere was in designe & will doubtlesse still increase more and more, as it shall feele the benefitt which ye perfection of that worke must of necesity bring vnto it. There is a Market kept alsoe among merchants for foraigne comodityes vpon ye monday euery weeke; it being the onely considerable Port in ye Island.

Just before it within musket shot lyes the small Island & Fort of St Albin, & ye Peere ioyning to it on ye East side to shelter the ships ryding at Anchor. The Fort hath a Garrison consisting of an Officer & *soldiers & sufficient store of Artillery & Amunicon. From this Fort is a very faire prospect beginning at ye point of Noirmont & ending at St Heleryes mont in ye forme of a Theater or Halfe moone very pleasant to behold, Elizabeth Castle being seated allmost in ye midle of it vpon an Islet in ye Sea (from which wee call it alsoe L'Islet) a very faire, large & strong peece, begun by Queene Elizabeth, augmented of ye Lower Guard very spacious by Charles the first of blessed memory and nowe compleated by his Maties munificence vnder the Gouernement of that expert & vigilant Comander Sr Thomas Morgan: for all ye ground formerly without it, called the Greene, is taken in, & makes part of ye fortification; & there remaines nothing without but rocks which couer euery Tyde: soe that an enemy attempting it must come a mile from any part of ye land all open to ye shot from it, & doe his businesse in six houres time or else make his retreate in like manner as he came on, without shelter all ye while, for ye Tyde will giue him noe more time. There are about the Island other Bayes & Anchoring places, where good harbours might be made; especially at a place in Trinity Parish called Bowley, where shipps of great Balke might safely ryde, enter & goe out, & at another place

* Sic.

not farre frō Montorgueil Castle called S^{t} Catherin's; both of them much more commodious for Navigation, & neerer y^{e} Channell: from whence shipps might sayle out allmost in any kind of wind; whereas going out from S^{t} Albin they loose a great deale of time in that compasse which they make about S^{t} Brelades & S^{t} Ouen's before they enter into the maine. But the businesse of the Island hauing by lenght of time ben altogether turned towards y^{e} South-west part and soe the Townes & principall buildings with Court & Jurisdiĉon being placed there, it would be a businesse of noe litle difficulty to dispose & change it towards y^{e} contrary Part.

On the Southeast lyes the village of Gouray, with a faire Castle anciently call'd by the same name, but more modernely Mont Orgueil, being indeed a stately peece of building, & making a proud shewe as you approach it from Grouill Church, seated upon a steepe Rock hauing the Sea on y^{e} South side, and a Hill overlooking it at too neere a distance on y^{e} other. It was surprized in Eduard the fourth's time, or rather in y^{e} latter & declining time of Henry the Sixt, by the conniuance of Queene Margeret his wife, who by an vnderhand bargaine made ouer this Island to a French Count, called Peter de Bressé, for y^{e} assistance of fiue or six hundred men, to be brought ouer into England at his owne charge; who possess't it with the greatest part of y^{e} Island about fiue yeares, being opposed by Philip de Carteret Signor of S^{t} Ouen, who with his assistants made good against him S^{t} Ouen Parish with the adiacent Parishes, till being relieued by the helpe of S^{r} Richard Harliston Vice-Admirall of these parts, with some number of shipps riding at y^{e} Port of Guernezey, it was by them suddenly beseeged & retaken for want of prouision, before those within could be supplyed from Normondy: for which seruice Harliston was made Gouernor of the Island; who built there a Towre to this day call'd Harlistons Towre. But it is not found by Records that this Castle was euer taken by force; although in the yeare 1374 it was hard putt to it by de Guesclin Constable of France, with y^{e} flowre of the French Armyes, of which particular more hereafter.

CHAP. ii.

Monuments of Antiquity to be seene in Jersey.

I obserue in this Isle three sorts of ancient remainders or Monumᵗˢ of antiqty, the first and doubtlesse the most ancient are those wee call Poquelayes, which consist for the most part of foure huge stones, whereof three planted on end Triangle-wise at foure, five or six foot distance from each other, & the fourth flatter then yᵉ rest & soe large as being layd on yᵉ top of them three to beare on them all, and to make a vault vnder: then at ten or twelve foot distance, sometimes more sometimes lesse, another great stone sett vp in yᵉ manner of a pillar. Of these Poquelayes some are yet entire, others are fallen and some peeces of them sunck into yᵉ ground. There are in yᵉ Island aboue halfe a hundred of them. I obserue two different in forme from the rest; one in a place called *Les Landes Palot*, not farre from the Free Schoole, consisting of one onely massiue entire stone, & therefore not hollowe vnder as yᵉ rest, which seemes to be yᵉ naturall rock growne upon the place, & by art hewed and fashioned into a naturall Poquelaye; but yet it is separated from yᵉ rock under it with such a counterpoise, that at a certaine place a boy with his finger's end can moue it; which a hundred men could not otherwise doe. The other is to be seene neere yᵉ old Castle as you goe towards Sᵗ Catherines. This stands iust at the Top of a round hillock made of hands and is supported, not by three, as the rest, but by fiue stones, which by lenght of time are suncke soe deepe into the ground, that a man must creepe to goe vnder it; yᵉ couering being exceeding large and

waighty. I shall hint at y^e^ vse of these Poquelayes, when I speake of the Religion of those times. The second kind of monuments, and which I take to be next to y^e^ Poquelayes in antiquity, are by y^e^ Islanders called Hogues; which are nothing else but round hillocks or eminencyes raised vp with mens hands: the most part of them not much higher then those which are to be seene in many parts of England, thought to be the Sepulchers of eminent persons slayne there in Battaile. Those in Jersey seeme to haue ben made for a farre differing vse, that is for Speculæ or hills to espye a farre off from y^e^ land into the sea, which necessity tought y^e^ Islanders to prouide for theire security, at the time when y^e^ Danes, Vandalls & other northerne people infested y^e^ Coast of France and other Southerly parts of Europe, not long after the time of Charles the Great, to y^e^ end that the Inhabitants discouering theire shipps afarre off, might haue time to hide such things as they desired to preserue. It may be obiected that the sea is not to be seene from some of them; which is against my coniecture, but y^e^ cause of it is y^e^ improuement made since those times of y^e^ ground by planting of trees, & inclosing of ground, which haue quite changed y^e^ surface of the Island; whereas in ancient times it was all Champion and open ground. Of these Hogues there are two of more speciall notice: the one more commonly knowne standing almost in y^e^ roade from S^t^ Helery to Montorgueil, soe high, that it is seene from some leagues into y^e^ land of Normandy, hauing a Chappell at y^e^ topp of it, built not long since after the modell of y^e^ Sepulcher at Jerusalem, by one Mabon, who had ben a pilgrim there, concerning which there is a fabulous report, That a Gentleman of Normandy whose Title or Surname was de Hambye hauing killed a Dragon, w^ch^ had don much hurt in y^e^ Island, & being afterwards treacherously killed by his servant, & being buryed there, his Lady caused y^e^ sayd Hogue to be raised ouer him to y^e^ end she might behold it from her House beyond y^e^ Sea, & y^t^ from the latter part of y^e^ Gentlemans name, viz. Bye, it was called afterwards Hogue bye. Some part of which story may very well be true: but for y^e^ other, "sit fides penes authores."

The other is in the north part of the Island, taken notice of but by fewe persons, as being quite out of ye waye in a corner of ye Island; though in my opinion as considerable, if not more, then ye former. Wee call it Castell de Leck, placed on ye top of a natural eminence iust over the sea of a much greater height & compasse then ye other; from whose top one may discouer very farre towards Guernezey. The very name implyes that it was made for defense; but it might alsoe serue for a Watch tower, as well as for a place of retreate; however I dare say that it caryes the face & statelinesse of a Roman worke, trench't & bulwarck't from ye land side, according to ye manner of those times; which appears yet very plainely. The number of these Hogues is not soe easy to be knowne, some hauing been defac't & ruined by ye proprietors of ye ground. I guesse them to have ben about a douzen more or lesse.

The third sort of monumts of Antiquity are to be seene in Trinity parish towards the Northeast part of ye Island, hard by Dielamen one, & another nearer ye sea. The first is by ye people thereabouts called *Le Chasteau de Sedman*, Sedmans Castle; noebody can tell why; for who this Sedman was, or when he liued appears not. Sure, the forme of this worke is farre differing from yt of a Castle; unlesse perhaps our Ancestors called all fortifications Castels; especially those that are made to encampe in, from ye Latin word Castra, wch signifyes a Camp fortifyed after ye Roman waye, as this seemes to haue sometime ben. It is a great work raised in the manner of a Bulwarke with a deepe ditch without it, making a square whose lenght is neere an Aker, & ye Bredth aboue halfe an Aker. In ye foure Corners were, as I conceiue, foure Hogues or round hillocks, whereof ye oné is yet entire, ye rest with a great part of ye worke haue ben euened by ye owners, for theire benefit.

It is of ye one side vpon euen ground, & then it falls by degrees till it meetes a bottom, where a Gentleman there hath two Fish ponds. About the midle of it is a spring, & close by it the remainder, that is the best halfe of another worke

pfectly round, a pike high & proportionally thick with a ditch on y^e^ outside; part of it is throwne downe & levell'd. This is y^t^ part of it which is call'd *Le Chasteau de Sedeman.* It seemes to haue ben as it were y^e^ Prætoriū, fort or Retiring place upon occasion of disorder in y^e^ Camp. At another place called Le Vallet close to y^e^ shore not farre from Bouley bay in y^e^ same Parish beginneth another worke, reaching frō thence all along the Browe of steepe hills as farre as Rosell hauen very thicke high & strong about two or three hundred paces in lenght where it begins; because nature hauing ben sparing to fortifye that place, it was necessary that Art should supplye it: but in other parts the hills are a sufficient fortification, except close to that hauen, where the worke is continued downe to the sea. It hath the sea of y^e^ one side, & a deepe valley on y^e^ other, & soe makes a peninsula about a mile in lenght, but not aboue halfe soe broad: y^e^ ground none of y^e^ best, with a good spring of water, but noe appearance of any ancient building within that compasse. The people thereabouts will haue it to be the Retrenchment of some who had inuaded the Island. But I take it to be y^e^ worke rather of a flying then pursuing enemy, it being made for deffense & not for offense.

CHAP. iii.

The Situation of the Island, of Springs, Fish, Game, &c.

The Isle of Guernezey is very high on the South side, & lowe on the other side; it being still falling ground, as you goe towards the North of it. On the contrary that of Jersey is exceeding lowe on the Southeast, South & Southwest parts; and ariseth by degrees, as you goe towards the North, where it is as steepe and higher then a steeple all along that coast from Bowley bay to Gronez point, & beyond it, & soe difficult of accesse, that Boates onely land there, and that in very fewe & dangerous Creekes, and not at all times neither. This Accliuity of Jersey & decliuity of Guernezey from south to north affoarding to the first the sunne beams more direct & perpendicular, & to the second more Glauncing & oblique, should be some cause of more fruitfulnesse to the one then to the other; and is alsoe y^e^ cause why all the streames, (one or two excepted), though the heads of them be neuer soe neere the north coast, take theire course towards the south. Those high Clifes, which wee call Falaises, haue in some places deepe hollowe dens, which the sea hath made, frequented by Cormorants & other sea fowle which harbour there; & a kind of wild pigeons, which nestle there in greate numbers. There groweth alsoe greate store of Sampire, a winter sallet, with other hearbs for physick, which are to be found in greate variety, some all along the sea shore, others in the mediterranean parts of the Island, which for quantity & goodnesse of Simples might haue bèn consecrated to Æesculapius, if he had ben as well knowne in these parts, as he was in Greece.

In this Island, though very high & not very bigg, are soe many springs bubling out most pure & excellent water, that it is a wonder to see it; witnesse Thirty water mills, besides foure or fiue malt & fullers mills, which this spring water serues with the raine water to grind all y^e^ corne in y^e^ Island: there being only Three wind mills, which serue principally for sum̄er: and yet there is more bread spent here, then in three times the like space in any part of England, Çittyes excepted. These springs are not onely to be found in bottoms & Vallyes, but many times on the tops of the highest hills; soe as there be fewe houses which haue not one or more; and where they are wanting, a well is at hand to supplye it.

This Island, as well as Guernezey, abounds with very good fish of all sorts: but the most ordinary kinds are Base, which are taken chiefely in the Spring about Lent & after: they come by shoales soe neere y^e^ shore, that Cartloades haue ben taken at a draught, some of them a yard long and more; alsoe Mullets of two kinds, the gray and Red, which last is something of the fashion of a Perch, a very firme, & very delicate fish; the liuer whereof being very red is vsed to make the sawce of it: turbots, soles, flounders & place of two or three sorts, whereof one sort wee call moines, that is to say monkes, from theire grayfriers colour, not inferior in tast to soles; breame all the spring long of a larger size then ordinary; whitings, called heere lieus, not soe white as those in England; but the most com̄on & to be had all y^e^ yeare long is a fish called by vs Vrac, like a Carp in shape; & might be called the sea Carp; for as the forme soe the tast comes neere it: there are of them of all bignesses, as of Carps: some are red, some greene, some of a darker colour: the flesh thereof is not over firme; but the remedy is to boile it in some strong liquor mixt with water, as Vinegar, wine or Cydar: it is soe fatt, when growne to its bigness, that it makes a good broth with hearbes & spice. There are alsoe infinite store of Rays, whereof there be two or three sorts, one with prickles, called in England Thorne back, the other smooth; and all sorts of rough-coated fish, knowne by the names of Rousses, roussets, hauts & the like; all which

are sold in the market by Cart loads at very low rates. But the sea about Jersey & Guernezey may be styled y^e^ kingdome of Congers, which are taken there most frequently & in great quantities, & so bigg that many times they weigh thirty or forty pounds a peece, & some haue come to fifty. I need not describe the fish; for it is well knowne. You may guesse at y^e^ quantity that is or may be taken, by what happened when Otto de Grandison was Gouernor of these Isles. He forced an Impost onely upō the Congers that were salted for transportation, & y^e^ sayd Impost amounted to foure hundred Liuers tournois in one yeare for both Islands, & yet it was but one denier per Conger aboue ten pounds weight. This Impost cost his widdowe deare, as shal be seene hereafter. There are alsoe all sorts of rock-fish, Crabbs of all sorts, Lobsters very bigg, besides another sort of Crab, or Lobster (for it is of a figure partaking of both) taken about Guernezey, called y^e^ Guernezey Crab, as big as a lobster, but that the Clawes of it are nothing soe bigg: the fish is ouer lushious & blunts the appetite.

Shell fish of all sorts & sizes can not bee wanting among soe many rocks; I shall name but a fewe. In y^e^ roade neere Montorgueil there is a spacious & plentifull Oistery. The people doe not greately affect the fishing of them, by reason they haue them cheape from Cancalle. I haue not seene any to be preferred to them for bignesse, fatnesse or sweetnesse; & are easy to be drawne out with a net for y^t^ purpose. There is another kind of shell fish almost peculiar to this Island; wee call it Ormer by a contraction of two Latin words, "Auris Marina," soe called of its forme, which is very like y^e^ eare of a man, but somewhat longer. The fish within the shell is very solid; when of iust growth it is about four inches long, & neere three broad. The shell is within of y^e^ colour of mother of pearle, but a litle brighter, & is vsed by Joyners in carued workes. It hath not an vnder-shell, as the oister hath; but the fish clingeth against y^e^ rockes & y^e^ shell serues to couer it, which shell stickes to the belly of it. It is not found but at lowe water markes, in great spring tydes; for then the people flocke downe to y^e^ sea, & take great store of it.

Wee haue another shell fish w^{ch} wee call Razoir, because it resembleth a Razor shutt vp: it is neuer found but hid in y^{e} firme sand in an ebbe. The secret to catch it is by suddainly thrusting an Instrument made for y^{e} purpose iust under the fish, before he is aware, when you haue found the place where it is hid; w^{ch} appearrs by a vent hole aboue it, for if you be not very quicke, it will sinke itselfe soe deepe that noe spade will reach it. The pulp thereof is sweete & delicate.

I must add something of a very small fish, but very singular; & whereof y^{e} like hardly to be found any where else. The fish is foure or fiue Inches long of y^{e} colour of a Smelt, very slender, called Lançon as if one should say a little Lance, for soe is the figure thereof. It lyes hidden in mouing sandbanks, & is best taken in the night about July or August: for it glisters, & is easily seene in the darke, when y^{e} sand being moued with an Iron, it leapes vp. There is such plenty of it at times, that it is nothing for one person to take a Bushell of them. It is eaten bones & all, boyled or fryed. It might allsoe be prepared after the manner of Anchoues with good successe, as it hath ben tryed by experience. It was wont to be a great pastime, for yong people who flocked to it, not soe much for the fish, as for diuertisment and many times for debauchery: for which cause these meetings have ben discountenanc't & are at p̃nt lesse frequented.

I might insist upon this Lent argument, & name diuers other sorts of fish, com̃only taken hereabouts, as Tingrells, somewhat like Rayes, but armed with very dangerous prickles, & teeth; whose liuer is very bigg & produceth excellent oyle & in great quantity. Another of a perfect blood-red colour, with a greate head & throate called Gronneur, from y^{e} noyse it makes like a hog. Another but not soe frequent, which our fishermen tearme Syraine, or mairmayd, hauing, as they say, (for I haue not seene it), great Teates, Loches, &c., besides those wee have com̃on with England, as mackrell, orfil, &c. As for fresh-water fish, wee haue place, Carps & Eeles, of which two latter sorts S^{t} Ouens Poole & y^{t} of y^{e} Valle in Guernezey affoard such ones as can hardly be match't in all Europe.

There is a kind of wheate very common with vs, & of Rye likewise, called Treméz, Trimestre, because it remaineth in ye ground from sowing to reaping not pass't Three months; for it is sowed iust with ye Barley in ye end of March & all ye moneth of Aprill; whereby it happens that in forward summers it may be reaped within Sixty or Seventy days from its sowing. On the contrary oates, which in England are sowed in ye Spring, are in Jersey, for the most part, sowed before Christmas, yea before the Wheat or Rye; & they growe much longer then in England; the stalke being commonly foure or fiue foot high. The manner of reaping the Corne is with the sickle dented & not smooth edg't, by hand fulls putt together very orderly, & then bound vp in sheafes, & after that stacked ye eare inward & ye stalke without, euen the Barley & Oates, with litle losse, but somewhat more paines. The Ordinary fewell is wood, which groweth plentifully all ye Island over, not onely in sett Rowes along the High wayes, affoarding shade in Summer & shelter in Winter, but alsoe vpon the fences & hedges, & is lopped once in fiue or Six yeares for fewell. Besides which the hedges are planted with white & blacke thorne & with willowes: & ye barren hills affoard firzes & ferne, which serue with Sea Vraic for ye kitchin, & without it for baking, & for brewing when Cydar slacks.

CHAP. iv.

Of Vraic. The seasons of gathering it, & y^e^ seuerall vses of it.

But because I haue made menc̃on of Vraic, which is a thing peculiar to these Islands, it will not be from my purpose to treate here of y^e^ propertyes thereof. They who haue walked about y^e^ Island must needs haue taken notice that it is euery where, but esp̃ally from Montorgueil to S^t^ Heleryes Mont, enuiron'd with rocks, some flatt, others steepe & pointed, some hid at high water, others allwayes aboue water both farre & neere the shore, soe thick that many times a Cart cannot passe betwixt them, from the shore to the lowest water marcke & as farre againe beyond it, which is a space soe vast, that one can hardly conceive it, who hath not ben eye witnesse. These Rocks, though bare of all earthy matter, & cleane wash't by the continuall beating of y^e^ Sea, produce a weed called by the Inhabitants Vraic & in ancient Records *Veriscum.* This weed groweth there as thicke as grasse in a meadowe, and much more, esp̃ally in moist yeares, which is an argum^t^ that the raine as well as seawater contributes to its growth. There are two kinds of it, y^e^ round, & y^e^ flatt leau'd. The first is more drye & approaching the nature of wood; & therefore it is vsed for firing, & maketh as hot a fire, as that which is made of Sea-coales, but not soe lasting: after it is burn't, the ashes of it serue of an excellent manure for the ground to produce either corne or grasse: for if you sowe it vpon yo^r^ grasse, about Christmas, or rather before, you shall easily discerne in y^e^ Spring y^e^ place where it fell from y^e^ other where there was none. The same ashes are vsed for making of soape:

& if you continue y^e^ fire two or three dayes, seruing it still with more fewell, it will growe into a lump as firme as glasse, & be glazed all ouer, whereby it appeareth that it may be vsefully applyed that waye. This sort of Vraic is not cutt down till about midsom̄er: for then it hath attained to some growth & firmenesse: but I am perswaded that if the people could lett it continue two or three yeares without cutting, it would become exceedingly better for all vses. About the Termes end, & before Hay-haruest y^e^ people are gñally permitted by y^e^ Court to attend that occupation; which before they may not doe, without danger of a fine. A forthnight y^e^ permission continueth; & it is scarce credible how many a Thousand Akers of y^e^ sayd Vraic is cut downe from y^e^ rocks all about the Island, with short smooth sickles, farre different from those wee reape w^th^, & caryed off to bee dryed vpon y^e^ Shoares: where being spread it is quickly parched by y^e^ sunne, & there by drying diminisheth to the third part, both for waight & quantity: soe y^t^ three Cartloades of green shrinke into one of drye. The other kind of flatt leaued Vraic is more slimye & fatter then the former; & therefore rotteth easily, imbibes into the ground, & keepes it fresh & moist during y^e^ heate & drought of sum̄er, & soe is more propitious to corne & other seeds, yea to plants allsoe, as is demonstrable by experience the surest argument. This sort is not found soe neere the shore as the other, but in deeper water, and thereby is more difficult & chargeable to drawe off in Carts. But there is a remedy to that: for it is easily come by in boates, euen vpō such rockes which stand furthest off, & are neuer quite cleare of water & therefore inaccessible to Carts. This sort is of more accompt with y^e^ Islanders, because it serues of manure for halfe y^e^ Island at least: & therefore in y^e^ gathering thereof noe anticipation is tolerated; nor is it euer by ancient Tradition permitted to be cutt in y^e^ moneth of January, without vrgent necessity, nor protracted beyond y^e^ first day of Febr̃., & y^e^ permission lasteth till S^t^ Georges day; during which time there is a perfect Truce from Ordinary Lawesuits, but not from those quarells which the communion of that weede produceth.

Besides these two Seasons for cutting of Vraic, it is to be noted that at any other times, espally after stormes, ye Sea casteth greate quantityes of it to the seuerall coasts of the Island, which is for ye most part taken vp, & applyed either to firing or manure, according as the season permitts. But it may not bee omitted, that in ye West coast, chiefely in St Ouens Bay the Tyde bringeth thereof soe prodigious a throng, that the people of that great Parish & of two or three more next to it, haue euery one of them enough to lay it vpon theire grounds as thick as ye spade or plough can turne and couer with conueniency; & is the Cause why that Canton otherwise barren produceth more plenty & better Corne then the best grounds in other parts of ye Island. In diuiding of this Vraic there is seldome any dispute; because there are two sworne officers in euery Coast appointed by ye Court to attend vpon ye place who are to see that every one, though but a stripling, haue his due proportion, according to the rule established of old in yt behalfe. This sort is deemed by most men ye best of all other, both for fewell & for manure. That which comes in May & June or after they drye, & then put it vp in greate Stacks made sure against ye raine, till plowing time, & then spread & turne it vp, after the first dewe hath sufficiently moistened it. Another part they cary home & keepe it for their prouision & burne it, with ye help of ferne, brake, firzes & such slight fire-stuff. The vse of this Vraic is such that in ye sayd Parish of St Ouen there are many fields which otherwise of litle value are soe fertile that they equall in worth & proffitt ye richest grounds, & many that haue ben (by ye help of this manure) plowed euery yeare constantly, for soe many generations past, that there is none liuing that can say he euer sawe them rest one yeare onely. And it is supposed that the plenty of ye sayd dung is ye cause that the Turnops which the sayd parish affoards in great quantity haue ye reputation to be ye best, ye sweetest & dryest in all ye Island.

CHAP. v.

Of fences, digging the ground for beanes & pastneps; the particular vse of y^e^ roote.

The fences vsed in this Island are farre differing from those in other parts, being made of solid earth raised a good height, with a ditch of each side in y^e^ manner of a bank or rampier, soe high that in some parts of y^e^ Island a man with a staff in his hand three foot long can not reach to y^e^ top. These are made with a Jersey spade, not hollowe of one side & conuexe of y^e^ other, as in England, but flatt & euen throughout; wherewith labourors soe nimbly & artificially handle & place y^e^ earth, y^t^ it incorporats into a firme mud-wall, soe smooth that being newe made it appeares to the eye as glazed all ouer. When they have raised it within a foot of its due height they take white thorne of two or three yeares old, which they haue of theire owne or buy it at easy rates, & lay it flat in a rowe upon y^e^ top of y^e^ fence crossewaye & that of both sides alike, each thorne distant not aboue foure or five inches from the other, & then couer the roote with newe earth from the bottom of y^e^ ditch, a foot high, leauing of y^e^ yong thorne but very litle without; which they carefully clipp euen with y^e^ side of y^e^ fence. This worke is to be don in y^e^ beginning of y^e^ spring while it is yet planting time, & it failes not to growe in few years into a thicke hedge sufficient to keep out any thing from breaking into y^e^ ground within it. To produce that infinite store of thornes w^ch^ is requisite for this vse, & w^ch^ is made vse of yearly, they take about October or November of y^e^ hawes or red berryes growing plentifully upō

thornes one or more bushells, & lay them drye three or foure foot deepe into the ground in a trodden place, first a lay of hawes of some two inches thicke, & then a lay of earth & soe continuing lay after lay, till all ye hawes be in. Then couering all with earth at least two foot ouer them, they tred it soe as ye raine may not penetrate through it, & soe leave them from Novemb (which is ye moneth for this worke) till ye beginning of ye spring not of ye next, but ye other after, viz: about sixteene moneths; & then they haue a care about ye end of Febr. or beginning of March to obserue when the thorne begins to shoote. And yt is ye nick of time to take it up; for then it begins to stirre & not before. It being taken vp, they sowe it very thick into squares or beds fittly prepared, & couer it with straw for ye birds: and those are theire nurseryes for thorne. The spades aboue spoken of are edg't & sharp with steele, smooth & kept as bright as a knife, & light to the hand; wherewith they with ease not onely lift vp great spadefulls aboue theire heads, & dawbe the fence & make it as smooth as if it had ben don wth morter by ye hand of a Mason, but likewise soe firme & strong as to last at least forty or fifty years, without any great decay. With these spades they likewise digg theire grounds for all kinds of rootes, yea for pease & beanes & many times for wheate alsoe: & are soe nimble at it, that one labourer in a winter day will digg of well condition'd ground about foures* perches, rods or poles, every Perch reckoned at foure & twenty foot. In theire waye of tillage they constantly obserue this order. After that theire ground hath rested foure, fiue or six yeares, they manure it with ashes, dung or Vraic, & most often with two of these, & soe breake it before Christmas, & plough & sowe it in March & Aprill either with three moneths wheate or some sort of barley; the second yeare they againe manure it, & sowe it with barley & three moneth wheate mixt together, or barley & rye, or single rye, as it seemes best to them, then ye third yeare they leaue ye plough & betake themselves to ye spade, if ye ground be any thing deepe, & therein plant beanes by rowes five or six beanes deep, which are planted

* Sic.

or sett by women, who make holes with a picquet or pointed peece of wood with the right hand & plant y^e^ beanes with the left, taking them by handfulls out of their apornes & letting them fall into the picquet holes one by one, soe nimbly that one woman will plant thirty perches or rods in a day. The beanes being sett they ouer sowe them with pastnep-seed, putting one sixtonnier for Ten Perches (the sixtonier is y^e^ twelu'th part of a Winchester bushell, & a perche 24 foot). Many times they sett pease among y^e^ beanes: for then as the beanes growe & become strong they become supporters to y^e^ pease, by which meanes a fewe pease will beare a double proportion: & when both pease & beanes haue ben cutt downe & remoued, y^e^ pastneps, which remain behind, being watered by y^e^ showres which fall in August & September growe to theire perfection, which consisteth not in being soe bigg, as are to be seene in kitchin gardens, but at least as pleasant & savoury. These they digg vp & boyle, not whole but cutt into small bitts; then mixing therewith good store of butter & Varince they make of them good wholesome food for all y^e^ moneths of Octō & Novemb̄, & seldome or neuer after Christmas. For then they become of sweeting tast, not very acceptable to y^e^ palate; & they wonder when they heare that in England they are not eaten but in Lent. But it is not the least benefitt they haue by those parstneps, that therewith they fatten theire hoggs, either by tying them vpon y^e^ field where they growe or by digging vp y^e^ pastneps & seruing them therewith, for it is found by certaine experience, that there is noe kind of roote or food whatsoeuer that fattens hoggs sooner, & with lesse charge. And though y^e^ leafe of y^t^ roote being eaten by kine giues an vnpleasant tast to y^e^ butter, & appeares alsoe in y^e^ tast of muttō fed therewith; neuerthelesse the roote itselfe doth noting* abate of y^e^ sweetnesse & goodnesse of porc or bacon.

Hauing cleered theire ground very cleane of the remainder of pastneps, & then made it euen with a harrowe, they sowe it for y^e^ next yeare with wheate, then plough it vp, & soe they

* Sic.

are sure of a plentifull crop. The fift yeare they sowe it with oates before Christmas, & sometimes with winter Rye; then lett y^e^ ground rest at least as many yeares, in which time it will bring forth very sweete grasse; & if y^e^ yeares be any thing moist, it will yeeld them excellent hay & in great plenty. In these arable grounds they pasture theire kine, which affoard them very delicate butter, much esteemed for tast & colour: but for cheese they make very litle; & y^t^ which is made is subiect to growe drye & hard, if care be not taken to preuent it.

CHAP. vi.

Of Orchards and Cydar presses and y^e^ manner of ordering Cydar.

The Reader will expect I should say something of Jersey Cydar & of y^e^ making thereof. But before I doe, it comes next in order to speake of the materialls wherewith it is made. It is incredible what number of Orchards are in Jersey. There is neuer a house in all y^e^ Island (some fewe in y^e^ Towne and S^t^ Albins excepted) but hath one great or small; & some haue seven or eight. The biggest are not past two or three Akers; & y^e^ least about a quarter of an Aker, or yet lesse, a small compasse to beare soe many apples as will yeeld twenty hogsheads of pure Cydar as it is often seene it doth.

These orchards are planted in Rowes, not *per quincuncem*, (for that would hinder the plough), but for the most part in right lines, soe as the plough & harrowe may freely passe betweene the ranks. It was neuer seene, howe well soeuer the ground be prepared & dunged, that there were two great Cydar yeares immediately one after the other. Two midle yeares there are oft times: for the nature of that tree is, in case of noe outward hinderance, to yeeld itselfe in fruite to the vtmost; soe as many times one single tree hath borne a Butt of Cydar, which is three hogsheads. And in soe doing they sometimes soe ouer spend theire natiue vigor, that they can not recouer it, but dye & drye vp ī̄mediately after. The kinds of Apples are soe many that it would be hard to reduce them to a certain number: for wee haue all the kinds they haue in Normandy; & to these

wee haue added those of esteeme in England. If Cydar should be made of one kind onely, & soe a hogshead of each kind by itselfe, all those hogsheads would have a palpable difference both in colour & tast. Wee haue some sorts that make Cydar as red as Claret, others as pale as water: some haue the iuice as thick as newe brew'd ale, & neuer becomes cleere, if it be not mix't with some of the sowrer kinds. All sweete apples make the Cydar sweete, more or lesse; & the sowre apples likewise more or lesse sharp & thinne. I will not presume to determine y^e^ quantity made in one yeare through all the Island: but certaine it is that the parson of one Parish hath made aboue two hundred hogsheads for Tithe in y^e^ good yeare, & sixty in y^e^ bad yeare: & yet Tithes of apples are not payd by all to y^e^ iust proportion.

The last yeare 1681 was y^e^ greatest Cydar yeare that euer was seene. There were not found in all y^e^ Island Caskes for much aboue halfe that was made; & there were apples lost & spoyl'd for want of presses and casks, to an vnknowne value. To supplye these orchards must be a continuall care taken: for the more they beare, the fewer yeares they'll last. The life of an orchard planted all at one time & soe lett alone till it decayes is not pass't thirty or forty yeares: which is but halfe that of a man. The ordinary way with vs to raise apple trees is from seeds or kernells of apples gathered from the Presse after y^e^ iuyce is express't, & sowed early in the Spring, then transplanted into rowes a foot distant one from the other, & kept cleane from weeds. In three or foure yeares they are fitt to be grafted, & in three or foure more ready to be planted in the Orchard. Wee graft apple trees onely in y^e^ slitt, not aboue a foot from the ground: for allthough grafting in the barke be sure, the graft holding onely to the side of the stocke is apt to breake off, if ouer laden with fruit. There is alsoe another way of propagation frequent with vs, & that is by chusing among the trees boughs which haue little round knobbs or knotts growing naturally out of y^e^ wood & barke, like a wart: they are not cōmon to all kinds of apple trees, but to some onely: it matters not whither the bough be great or small: but it is best, when it exceeds

not a mans wrist. Those they cut an inch vnder y^e^ knobb, & plant them in ground conueniently moist about Christmas, at least a foot deepe; & it will proue a good tree without further care, or if you mislike his fruite you maye better it to yo^r^ mind by grafting.

As for the making of Cydar, it is briefely thus. Suffer yo^r^ apples to ripen vpon the tree, & to fall off of themselves: for then nature herselfe tells you they are full ripe: then gather them when the Sunne is vpon them, & they are free from moisture, & conuaye them into yo^r^ apple roome; which ought to be iust ouer yo^r^ Stamping Trough, which with vs is made of a grainy stone of six or more peeces made hollowe with a pointed hammer, and soe wrought & iointed together by good Cement in a perfect circle, as if they were drawne by a compasse. The diameter will be twelve foot more or lesse, according to the circumference of the trough. In the Center exactly measured you shall place a strong post fastned belowe in the hollowe of a stone sett there for the purpose, & aboue against some beame. Then you haue in readinesse yo^r^ mill stone, like that of Tanners perfectly round, but not ouer smoothe, for feare of sliding instead of turning vpō the apples, pierced iust in y^e^ Center, with a strong rafter or peece of wood passed through it & fastned to the sayd Post, about which it must turne as y^e^ mill stone goes about. This rafter must iett out beyond y^e^ mill stone about halfe a yard, for y^e^ grinding horse to be tyed vnto. The place within y^e^ trough will containe as many apples as will serue for one stamping. When you have bruised your apples conueniently small, take them out of the trough, & putt them into a large vatt or fatt; & lett it stand there at least foure & twenty houres: then pyle them artificially vnder the presse by flatt layes, putting betweene y^e^ layes Oaten reade fresh & sweete handsomely spread till it be raised to a pyle of three or foure foot high, more or lesse according y^e^ proportion of your bruised stuffe. Then lett downe yo^r^ presse vpon it. But first put ouer it a square of wood strongly made, in a iust counterpoise, & some square blocks as many as shall be needfull iust under y^e^ presse, & lett them stand

ten or twelve houres thus that the Cydar may drop off leasurly without forcing; & soe you will keepe yor pyle from breaking, & ye Cydar will be free from dreggs: & then you may vse yor presse to drawe ye rest of ye Cydar, as is vsually don. If ye presse be good, you will by degrees in lesse then two dayes soe drayne yor pyle, yt the layes in coming off wil be as thinne and as hard as boards, & will take fire like wood. Nowe there are with vs three severall kinds of presses. That which is of greatest dispatch is called a Presse *per excellentiam*, such as are altogether vsed in Normandy. The other kind is with two vices, one at each end, after the manner of those wch Bookebinders vse. The 3d sort is called with vs Greslin, and is that which was altogether vsed before these late times, by many preferred to ye other for ye facility of working by it. It hath but one vice in ye midle, & is screw'd into ye middle of a massie peece of Tymber supported at the ends by two other strong peeces called by vs the Twinns, because they are perfectly resembling one another. The lower part of ye vice drawes after it another lesser peece of tymber, ye ends whereof moue vp and downe in ye two Twins. As ye Cydar falleth from vnder ye presse into ye fatt, it is strained through a Sieue, that all ye dreggs & grosser pts may remaine behind; & soe putt into ye Caske, & suffered to boyle out all ye remaining lees; & last of all stopped very close with a bumme, & couered with morter and salt to keepe it fresh, leauing a vent with a small pegg, to give it aire if need be.

CHAP. vij.

Of Buildings both priuate and publick, &c.

The Houses in Jersey are not soe slightly built, as they are generally throughout England, being built of stone very substantially: some are couered with slate, but for y^e^ most part they are tach't* soe artificially that they are neuer a whit the lesse beautifull for it. But the furniture within is not ordinarily answearable to the outside; y^e^ genious & delight of this people consisting more in lasting ornaments, then in such as may be lost or soone perish, and the reason of this I conceive to be; for that in England tenures are temporary, either for liues or yeares; but in Jersey they are for euer, & there are none made for terme of life, nor hardly for aboue five yeares: soe as the people being perfect owners of theire lands, it is noe wonder if they applye all their studyes to build, plant, & augment thereon, more then if they had them but for a time. All Estates consisting of Inheritance are either Lands or Rents: but the gñall Itch of this people is to purchase Rents; which are sometimes in money payable at Mich̃ for euer; but most cōmonly in wheate, barley, rye or other corne, or pulse, or in geese, capons, hens, chickens, eggs, &c.,—whereby it is come to passe that when you estimate a mans estate, you say he is worth not soe many pounds or Crownes, but soe many quarters of wheate. And when a man there is forced to raise a sum̃e of money, the way to haue it is by selling a yearely sum̃e of wheate, payable upon his house &

* Sic.

lands for euer: which course hath ben practiced soe long, that at present there is twice as much corne due at Mich̃ day in y^e^ Island, as can growe upon it in a yeares time, w^ch^ is a great incongruity in point of gouernem^t^ All Bonds are not personall as in England, but reall, & haue an expresse hypotheca upon all y^e^ goods, Lands & chattell of y^e^ Debtor: and for that reason there would be great danger in purchassing lands & rents, but that wee have a publick Register, wherein all hereditary contracts y^t^ are passed before y^e^ Court are inserted, vpon payne of nullity; w^ch^ being in the keeping of an Officer sworne for that purpose, any man may have recourse thereunto, & thence learne all engagem^ts^ which lye upon any mans Estate, the onely remedy against being deceiued. Wee have yet another Custome, viz: That noe bond or priuate contract is to be taken notice of in preiudice of hypothecary Creditors, though of posterior Date, but onely from y^e^ day that y^e^ Debter hath acknowledged it before y^e^ Court, or defayled, being thereunto summoned; & soe y^e^ Bond be enter'd into y^e^ Court Rolls: which is still to auoyd deception.

Hauing begon to speake of buildings, I shall upon this occasion say something of publick ones; which are not many; among which Montorgueil in statelinesse of building, though not in strenght, beares the swaye; of which I have allready spoken; and likewise of Eliz. Castle, and the Towre or Fort at S^t^ Albins. There is yet one peece marked in y^e^ mapps vnder y^e^ name of Castle, viz. Gronez, a slight thing like a gate without Castle within; but famous for hauing ben a retiring place to Philipp de Carteret, Signor of S^t^ Ouen, & his party against Peter de Bressé, pretending to be absolute Lord of this Island in y^e^ latter dayes of Henry y^e^ 6^th^

I should here alsoe mention y^e^ Peere which is making at y^e^ Fort of S^t^ Albins, a peece for Eternity, if you consider y^e^ breadth, materialls & workemanshipp. It will be time enough to giue an accompt of it, when by Gods fauour it shall be finished.

Of Inland buildings that are publick wee have the Cohue or judgem^t Hall, a conuenient place & well seated for the purpose, hauing good roomes aboue it for y^e vse of y^e Justices, when they haue occasion: likewise the Halles both new & old, where Butchers, Bakers & Corne merchants haue theire stalls to sell theire meate, bread & Corne free from the iniurye of weather in sum̄er & winter.

Next are the Churches in number twelue, the like whereof are not to be found in the same plat of ground in all Europe, Cittyes excepted. Foure of them haue for steeples square Towres, two very high & faire, y^e two others not soe. The rest haue very high spires; whereof some serue y^e seamen for markes to direct theire course by. That of S^t Sauiours is y^e fairest & y^e cleerest of all & best in repaire; but none of the rest wants something which may render it com̄endable, in comparison of many other Churches to be frequently seene upon y^e roades both in France & England. All these have Parsonage Houses which wee call Presbyteryes, very com̄odious, with a pretty proportion of Glebe Land to euery one of them one or two excepted. The Incumbants haue some a greater some a lesser portion of y^e ancient Tythes of Corne, some none at all: but all of them haue y^e personall Tythes & y^e novalls or tythes of Lands neuer before reduced to Tillage, since they fell into the hands of Abbots & other Religious psons & frō them into y^e Kings hands: for those Abbots could not pretend to other Corne Tythes then those which were then in being, when they were granted them, which was for most of them long before y^e Conquest. The tithes of S^t Laurence Parish onely were bestowed by King John. At the dissolucon of Abbeys in England y^e Kings Officers in these Isles seized vpon y^e same, as they found them possess't by y^e sayd Religious Houses; & to this day they make y^e most considerable part of his Ma^{tles} Reuenue. But y^e insatiable greedinesse of some farmers thereof ioyned to an equall ignorance hath of late gon about to extorquate these noualls from y^e Church, & troubled the ministers in theire possession: and some haue ben soe impertinent as to maintaine that his Ma^{tie} possesses all Tythes whatsoeuer in the

Right of his Crowne, & not as part of ye Reuenue of Monckes. But ye greatest aduantage of our ministers is from ye Tythes of Apples, which in most Parishes are worth more then all ye rest of theire profitts putt together. Besides the Parish Churches there were heretofore about 25 Chappells; the fairest of which was that within Eliz. Castle, wch serued since ye Reformation for ye Garrison, till ye late distracons, when at ye siege of yt Castle it was vnhappily blowne vp wth a Bombe. This Chappell with a faire Abbey about it was built & indowed by a Nobleman of Normandy, whome Robert de Monte calls "Guillelmus filius Hanni," soe that in fewe yeares it possess't great Reuenues both in England & in Normandy: but Queene Eleonor wife to Henry ye Second tooke a fancy to be foundresse of yt at Cherbourg called "de Voto," & to indowe it with another mans charity, by psuading that King to ioyne ye Abby of St Helery (for soe was it called) to yt of Cherbourg & to make ye greater an Appendix to the lesser; from which time it continued onely a Priory; besides which there were foure others, most of them depending of ye Great Abbey of Mont St Michel, to witt St Clemt, Noirmont, de Leck & Bonne Nuict. I haue occasionally heretofore spoken of that vpon ye Hogue. That neere Rozell house is yett whole, & soe is another by Haure des Pas, soe called from a Tradition of ye footsteps of ye blessed Virgin seene thereabouts, in an apparition of hers. St Thomas his Chappell by Longueuille is alsoe yet standing & entire. I doe not remember of any other vndefaced; there remaining at this day nothing but ye very fondations to be seene of aboue Twenty more dedicated to diuers Stis, whome it would be easy but needlesse to rehearse.

Besides these Churches & Chappells wee haue of moderne fondation two Free Schooles, worth both together about threescore & ten pounds p annū of certaine reuenue pt in Land & part in Rents; which ioyned together, & well visited, might proue a good one; but as they are asunder, will hardly tempt any man of parts to bestowe his paines therein. They are seated in the two extremityes of ye Island; one at ye place where the Chappell of St Anastasius stood, in St Peter; & ye other in St Saviours

Parish by that of S^{t} Manlier or Magloire, a Greate S^{t} with vs in former times, & deseruedly esteemed; since he was our Apostle & planted Christianisme in this Island.

The twelve Ministers are to be Assessors to the Deane in his Court, by the late reestablishment of that Office by King James; who likewise settled vpon him & his successors the Tithes of the parish of S^{t} Sauiour formerly in the Kings hands; which is the onely certaine Reuenue belonging to y^{e} Deanery; except that he may, if he please, have the Benefice of S^{t} Martin, y^{e} best in the Island. The sayd Deane hath the Jurisdiction of an Archdeacon, vnder the Bishop of Winton, vnto whome Appeales in Ecclesiasticall Causes are made. His Jurisdic̃on is limited to 58 Articles caused to be made by the sayd King, & fitted to the Lawes & Customes of this Isle, & not in all things consonant to the Constitutions Ecclesiasticall of England. For those of England being conformable to the Ciuill Constitutions of that Kingdome, which are very different from those of Jersey, it was impossible that Ecclesiasticall Lawes should be the same, & yet agree to both places. Besides it is well knowne that there be sundry Causes of Mixt Cognisance, that is, which belong both to the Ciuill & Ecclesiasticall Court, vnder diuers respects. It was therefore necessary that the method of proceeding to determine them should be the same in both Courts: for otherwise it might soe fall out that being determined by the Ciuill Judge in one manner, & by the Eccle$\tilde{s}$ticall Judge in another, the same party should be found guilty in one jurisdic̃on, & not guilty in the other: which would be not onely absurd in itselfe, but also a greate occasion of scandall & clashing betweene them, to the disturbance of peace & quiet in the Island. Which moued the sayd wise King in his Patent of Approbation of y^{e} sayd Canons, to add this necessary Clause, AS BEING NOT DEROGATORY TO THE LAWES & CUSTOMES OF THE ISLAND. Which words are of such force, that whereas some things haue since ben found therein inconsistent with our Lawes, not taken notice of before, & which could not be put in practice without breach of them, the sayd things remaine vnpracticed to this day, as hauing crept into those

Canons vnawares: as namely the Canon concerning y^e granting ltres of Administracon of Intestats goods; which is agreable to the Lawes of England, but destructive of that Grand Maxime in y^e Norman Lawe, LE MORT SAISIST LE VIF, by vertue whereof any successor, whither in a direct or Collaterall line is *Ipso Jure* seized of y^e whole Estate of the party deceased, both hereditory & mobiliary to all intents, & may performe all acts of a proprietor, without interuention of the Magistrat: & soe that Canon becomes null & superfluous.

CHAP. viij.

Of the Priuiledges belonging to y^e^ Islands. First of Ciuill Jurisdiction.

In y^e^ Towne of S^t^ Helery is the Seate of Jurisdiction; w^ch^ is exercised by a Judge immediately subordinate to the King, called Bailly or Baillif; who ought to be *de Tenentibus & Residentibus in Insula.* First he must haue an Estate in y^e^ Island, & secondly he is bound to residence: as hath ben constantly obserued in our fathers time, & as is express't in y^e^ Booke of y^e^ Jurisdiĉon of Guernezey & in theire Precept of Assize. His dignity then is greate, but his power is not soe vast: for he may not doe any Act of Jurisdiĉon but in y^e^ presence & by the aduice of two at least of those who are called Jurates, being Twelve in all, of Royall Institution, but of Popular Election, not to be chosen one out of euery Parish, as M^r^ Cambden intimates, but indifferently out of any Parish, as it chanceth. These "Duodecemuiri" are of K^g^ Johns Institution, the Pillars of Justice & Liberty, like those who were called "Nomophylaces" in y^e^ ancient Grecian Coⁿmonwealths, in whome resides both the right Administraĉon of Justice & the politicke part of Gouernement, not onely with y^e^ Bailliff, but euen with any Judge of Assise or Coⁿmissioner sent ouer into these Isles by his Ma^tie^, whateuer his Coⁿmission be; & in all causes & matters too, Treason excepted. For that King (who was twice in Jersey) finding Jurisdiĉon exercized there in a manner arbitrarily, by one who had the Military & Ciuill powers ioyned in him, assisted onely by those wee call franc tenants, that is frec holders, & that but three dayes in a yeare

by obligation, & he not tyed to followe theire opinions: to remedye ye ill consequences which had allready insued, & might yet haue don, betooke himselfe to that course which had successefully ben applyed to the like disorder in ye Corporacons about Gascony, by setting vp here twelve men with ye like authority. And soe he gaue them in his lres patent the name of "Jurats," as those in Gascony & Languedoc are styled; and likewise that of "Coronatores"; wch were Officers of the Crowne then & long after of high dignity in England, whose Head the Lo. Chiefe Justice of England was, as appeareth by ye Bookes & Records of that time; out of which Sr Hen. Spelman hath those words:—"Coronator: Apud nos Coronæ Officialis pervetustus est, ad tuendam pacem et dignitatem Regiã in quouis Comitatu Populi Suffragiis constitutus; olim non minor Equite Aurato, &c." "A Crowner" (sayth he) "is a very ancient Officer of the Crowne established in every Shire by election of the people to maintaine the Peace & the Royall Dignity; who anciently was not inferior to a knight." Theire power appeareth by an Inquest in ye 33rd yeare of Hen. 3 in the following words, "Henricus Dei Gratia Rex Angliæ Dñs Hib. Dux Normandiæ, Aquitaniæ & Comes Andegauiæ, Dilecto & fideli suo Drogoni de Barantin Custodi Insularũ de Gerese & Guernese salutem. Quia, sicut satis didicimus Inquisitio quã aliàs a vobis fieri fecimus de consuetudinibo & seruitiis quæ homines earundẽ Insularum facere consueuerunt temporibus predecessorũ ñrorum Regũ Angl, &c. Simul quas & cuiusmodi leges Dñs Joñes pater noster instituit, &c." Then followeth, "Inquisitio facta de seruitiis consuetudinibo & libertatibus Insule de Guernese & legibus constitutis in Insulis p D'num Joñ Regẽ per Sacramentũ Rob. Blondel, Radulphi Burnel, &c., qui dicunt, &c., Inpñis instituit Duodecim Coronatores Juratos ad Placita & Jura spectantia ad Coronam custodienda. And in ye 4th Art. Ipsi Duodecim in qualibet Insula, in absentia Justitiariorum, Et vnà cum Justitiariis, cũ ad partes illas venerint, debent Judicare de oĩbus casibus in dictâ Insulâ qualitercunq; emergentibus, &c." You see they are of popular elecon (for soe it followeth in ye other Articles), but not popular Magistrates: for by theire oathes they are to main-

taine the Rights of y^e^ Crowne. Theire power is not onely with the Baillif to iudge & determine of all matters whatsoever, but it extends likewise to all Judges & Comissioners sent ouer extraordinarily; who are by this ancient Priuiledge to proceed in theire Comissions by y^e^ opinions of y^e^ sayd Jurats, & not otherwise. Theire power extends to all matters & Causes, Treason excepted: which exception must be vnderstood not of all cognizance of High Treason, nor of y^e^ preparatory part, but only of y^e^ finall & diffinitiue part. For when an Information of Treason is to be sent ouer to y^e^ Counsell Board, who shall take it here but they? And to shewe that they haue to doe with Treasonable matters wee haue not onely the constant practice but y^e^ very ordinance of Hen. 7, by which the Gouernour is forbidden to seize or sequester the goods of any person imprisoned for High Treason, unlesse he doe it by the advice of at least two of the Twelve. Theire Trust then, and consequently theire Dignity, being such, it is strange that there should any man be found who would debase it belowe y^t^ of an Esquire, which is soe comon in these dayes; when it hath ben heretofore judged equall to that of a Knight.

Vnder the Baillif & Jurates there goe to compose the Court of Justice two Kings Officers, y^e^ Procurator & Advocate or Attorney & Sollicitor, The Vicount or Sheriff, The Greffier or Clarke, six Aduocates or Solliciters at y^e^ Barre, two Denonciators or Beedles, who are properly Assistants to supplye in what y^e^ Sheriffe can not well performe, & are his vnder-officers. Nor was it ever knowne till of late, that y^e^ Sheriffs office should be supplyed by a Deputy, much lesse farm'd out for a yearely rent. The last & lowest Officer is y^e^ Vsher of the Court, though noe sworne but necessary Officer to keepe order.

The Causes or Suites are not brought in or treated confusedly nor indifferently. For allbeit the Judges be allwayes the same psons, neuerthelesse because matters are more or lesse considerable, & require a different method of proceeding, & greater or lesser solemnity, wee haue distinguished them into three Classes. The

FIRST is of those which conteine the property of lands or Inheritance; & wee decide them in a solemne Assembly, called by vs LA COURT D'HERITAGE, which continueth soe many dayes as necessary to dispatch all y^e^ Causes brought in, & y^e^ first day thereof is allwayes kept very solemnly: for then all y^e^ Jurats that are in y^e^ Island without necessary excuse must be present. And without seuen of them at least y^e^ Court can not be kept that day, without absolute necessity, which is tyed to noe Rule. The Gouernour or (in his absence) his Lieu^t^ vseth to assist that day, & answeare in the Kings name for such manours as owe Suite of Court which are nowe in his Ma^tie^ hands: & likewise all Gentlemen holding of y^e^ Crowne any mannour by that Service, called in Records *Secta Curiæ* are to be p̃nt & answeare to their names, or be fined. There the six Advocats of y^e^ Barre doe renewe theire oathes: w^ch^ is don thrice a yeare, because wee haue three Termes: & this Court opens every Terme, which cannot be kept without it. There all inferior Officers belonging to y^e^ Kings Reuenue, as Preuosts & Serieants, are to bring Declarations of Escheates, forfaitures, & other casuall proffits belonging to his Ma^tie^ And there alsoe are all Politicke ordinances continued, renewed, & if need be changed & newe ones made, as y^e^ severall occasions & necessityes require. The Gouern^r^ or in his absence the Receiuer causeth an ample Dinner to be prepared in y^e^ Kings name, where besides y^e^ Justices, those freeholders before spoken of haue a right to be present, & therefore they are sayd in ancient Records to eate with y^e^ King, EDERE CUM REGE TER IN ANNO, a Custome older, doubtlesse, then the Conquest.

After the first day pass't (which is vsually vpon a Thursday) y^e^ Court is continued euery Tuesday and Thursday following till y^e^ end, with three Jurats at least with y^e^ Baillif, who take theire turnes to assist. In this Court are tryed & determined Partitions of Inheritance betweene Coheirs and other Partners, differents about Bounds betweene Neighbours, Intrusions vpon other mens lands, Challenges of propriety, Preemptions betweene kindred, w^ch^ wee call Retraict Lignager, *Retractus consanguineorū*, & *Jus protimeseos*, The propriety of Rents depending on Land, which wee

call Foncieres, without relation to Arreares, and such like. The SECOND CLASSIS is the COURT OF CATTEL, that is to say the Court of moveables: for allthough at present fewe Causes purely mobiliary be pleaded in it, as anciently they were, before there was an extraordinary Court, neuerthelesse the rents which are treated of are with relation to Arreares demanded, which are comprised vnder y^e^ appellation of Chattells, such whereof y^e^ receipt & possession hath ben intermitted aboue Ten yeares; for if they haue ben posses't within y^t^ time they may be determin'd in y^e^ Extraordinary Court, which is meerely of such late possessions. Therefore y^e^ Court of Cattell is principally imploy'd about rents denyed to be due, or refused to be payd in y^e^ same manner or for y^e^ same cause or by y^e^ same persons to whome or through whome they are demanded. But one of y^e^ principall businesses of y^e^ sayd Court is about Decrees. Nowe a Decree with vs is y^e^ Adiudication of a Debtors Estate both reall & personall, after Cession to y^e^ Creditor y^t^ caryes it by priviledge of time; for, according to y^e^ old Rule, *Prior Tempore potior Jure.* Or yet neerer to our Practice, a Decree with vs is, when a Debter hath made Cession one of y^e^ Creditors or some other in theire name obtaines of y^e^ Court leaue to proclaime at y^e^ Towne place & at y^e^ 3 next Churches 3 Sundayes after Diuine Seruice & a fourth time once for all:—That all psons who have purchas'd or had to doe by any way of bargaining with y^e^ debtor, whereby his Estate may have receiued lessening or impairement to y^e^ preiudice of former Creditors, should bring theire Deeds or other Acts into y^e^ Court there to be examined, & they in theire turnes receiued to take to them y^e^ sayd Debtors Estate & to pay all debts wherein he was engaged before he contracted with them, or else renounce all claime to y^e^ sayd engagements. Concerning y^e^ equity or iniquity of which custome I shall not presume here to speake: for as *summū Jus* is many times *Sum̄a Iniuria;* so *Iniuria* may be sometimes called *Sum̄um Jus.* There may be iniury in some pt & yet great equity in the whole; as is apparent by the consideracon of Prescriptions & Peremptions,* approued as uniuersally

* Sic.

vsefull in all States, though very often contrary to morall Justice & Christian charity. Howe euer it be, this is our waye of sharing ye shiuers of a broken & shipwrack't Estate betweene ye Creditors. The Creditor who is last of all must beginne first, & declare whither he will putt himselfe into ye place of ye Cessionary, & pay all debts of ancienter date then his, or renounce to his owne & neuer to lay any claime to it. If yt Creditor finds ye Estate decreed to be too weake he abandons & forsakes all his ptences. Then the next Creditor is call'd vpon in ye same manner, & soe onwards, till you come to one who will take ye Estate & pay all ye Debts which remaine aboue his Dapte. This is our waye of Passing Decrees, farre differing from that in ye Roman Lawes.

The Criminall Causes are alsoe iudged in this Court, & yt most cōmonly the first day by seven Jurats at least if ye crime be Capitall: for then there goeth before a proclamation that JUSTICE ROYALLE, that is to say the Pleas of ye Crowne, is held that day. If there be noe Criminall causes, three as in yt of Inheritance are sufficient to hold the Ordinary pleas. These are the Ordinary Courts, because of ancient Institution. For the THIRD CLASSIS, call'd LA COURT EXTRAORDINAIRE, is not of long standing; being onely for triuiall causes, as Arrests vpō debters goods found in a third hand, distrainings, constraints to paye debts or rents by course of Lawe, & other Causes purely possessory or mobiliary. It is alsoe called LE BILLET, because the Causes are sett downe in a scrole six by six to be passed in that order. Besides these there is alsoe the Saterday Court, which in Terme time is appointed chiefely for ye Kings Causes & those of ye Jurats & Court Officers, who are exempt from ye Rules of Billet; & out of Terme for Causes of greatest Breuity, which would admitt noe delay, Sea affaires, Merchants contracts, for strangers & such like, which wee call Causes of Admiralty. And it is to be noted that when sentence hath ben pronounc't in one of ye Ordry Courts by fewer then five Jurats assisting, or in ye Extry Court by fewer then 3 for moueables worth 50ls tournois, the pty aggrieued is permitted to appeale before the Body of the Court, consisting at least of seuen.

These Courts are not promiscuously held at all times and seasons, but haue theire Termes, as in all other places; yet with some difference, wch will appeare anon. The first Terme is that of Michaelmas, wch begins allwayes the Thursday going imediately before Michaelmas day; & is interrupted during all the moneth of Nouember, that the people may attend husbandry, which in Jersey is much later then in England; for many delay to sowe theire corne till December, partly because the ground is not till then freed from pastneps, and partly for being busye about making of Cydar. In the beginning of December the Terme goes on, & soe continueth till Christmas Eue; and there it ends. The second Terme begins the next Thursday after St Maurus his day, being the fifteenth day of January, and is very short: for it shutts vp in the beginning of February, & continueth vacation from pleading all that moneth, with March & Aprill, till ye next Thursday after St Georges day; during wch time the Inhabitants applye themselues to prepare theire ground for Sumer Corne. For in the beginning of February by a generall permission all men repaire to ye Sea, & cut downe the flat leau'd Vraic for ye manure of ye ground; which hauing caryed off in Carts they carefully spread over theire fields, & soe plough them vp: then after a second ploughing they sowe theire seed in ye end of March or beginning of Aprill. St Georges Terme continueth till midsomer: & then followeth the long Vacation, in which there is no pleading; except that the Causes which could not be dispatch't during the Terme are comonly remitted to the first or second weeke in Septemb & soe continue till the Terme, if they cannot be expedited sooner. There are euery yeare in the beginning of this Vacation appointed certaine dayes (more or fewer, as it pleaseth the Baillif & Jurats) for a Perambulation of High-wayes, which is called La Visite des Chemins, which is very solemne, & is pformed in this maner. The Saterday before it is publiquely made knowne by the Sheriffe or one of ye Court Bedles that there shall the next weeke be a Visitation of High-wayes, but not in what Parish; to the end that euery Parish may expect it & worke about mending theires: the like is don ye next day

being Sunday in ye pticular Churches. The Constable of the Parish to be visited, being warned aforehand, takes with him twelue of ye principall men of ye same parish, & meetes ye Judge accompanyed by three or foure Jurats, at a Rendez-vous; where the sayd Judge administers an oath to the Constable & twelve men, that they will guide the Court that day thorough all publick wayes of ye parish which they knowe to be most out of repaire, without fauour or partiality. The Judge is on horsebacke, & ye Jurats; soe are the Kings Officers: before them the Vicount or Sheriff rides with his Staff of Office of an Ell long, with one end vpon the pummell of his Sadle & ye other vpwards (in ancient times it was with a Lance, *cum Lancea* says ye Record). The Constable & his twelue goe likewise before, but afoot: & soe they walke through most part of ye Parish. When ye Vicount's staff encountreth any hedge, bough or plant it is a finable fault, called Brancage, which ye Clark of ye Court setts downe in a Booke for ye purpose; & the party who ownes the ground payes it. But if the fault be belowe in ye bottome of the waye, not ye party bordering but the two Officers who are appointed as Inspectors of High-wayes for that Tything are fined, with an Iniunction to repaire within a sett time, vnder a double fine. If any stone or ouergrowne tree be found preiudiciall to the publick in passing freely with all manner of Cariadges, it is remoued or cutt downe by order taken vpon ye place. Noe fine is euer layd or Iniunction made but by the direc̃on of the Juratts p̃nt, & that after the verdict of the Constable & twelue men taken; for they are a perpetuall Jury all that day. Here is alsoe to be noted that all fines, whither aboue head or beneath, are not alike. For they are greater or lesser, according to the bredth of ye waye; which to vnderstand you must remember that there are in Jersey three sorts of wayes:—*Le Chemin du Roy*, The Kings High waye, which is to be of ye bredth of twelue foot, besides foure foot on each side by ye hedges, in all sixteene foot; *Le Chemin de huict pieds*, of eight foot in the midle & foure foot on both sides, in all twelve foot; and lastly *Le Chemin de quatre pieds* or foure foot waye, like ye *Actus* of Ciuilians, being onely for footmen &

cariadges on horse back, & not for Carts. If therefore y^e^ fault be found in y^e^ Kings High way, y^e^ Fine is double to that of y^e^ eight foot way; & if it be found in y^e^ Eight foot way, y^e^ fine is double to that of y^e^ foure foot way; which is not onely *propter dignitatem,* but alsoe because y^e^ preiudice is greater to the publick when the fault is in that waye which is most frequented.

There was very lately with vs another way of farre different vse, call'd Perquage, of the same bredth as y^e^ High way in Normandy, which is of six Toises, each Toise containing six Foot, & soe of Foure & twenty foot* in all; which was the iust bredth of our Perquage, called soe of y^e^ word Perque *(pertica)* which containes likewise foure & twenty foot. These wayes began at euery Church, & by the shortest & most direct line went on to the sea, soe that it did cōmonly passe through boggs & betweene hills along streames of water. For it had noe other knowne vse, but to conduct by it such as hauing cōmitted capitall Crimes did take Sanctuary in those Churches; which was then a very ordinary course to doe. There they had priviledge to remaine untouch't for y^e^ space of nine dayes, hauing still a guard vpon them, & in that time they might if they pleased, which they seldom failed to doe, forsware* y^e^ Island, that is to say, sweare that they would leaue it & neuer returne vnto it, or be subiect to y^e^ penalty of theire Crimes. This was don in y^e^ presence of y^e^ Judge & some of y^e^ Jurats. Whereupon they might come out of Sanctuary & be led to y^e^ seawards by y^e^ sayd wayes, which were still a kind of Sanctuary to them; for if they chanced to straye neuer soe litle out of them, they were taken & executed, as hauing forfeited y^e^ priviledge of sanctuary. I neuer heard of such wayes any where else: for albeit y^e^ custome of taking sanctuary & forswearing y^e^ Countrey were y^e^ same with y^t^ of Normandy, yet y^e^ old Custome Booke sayes onely, that those who had forsworne were to be conueyed along y^e^ Highway from Deanery to Deanery till they were out of y^e^ confines of y^t^ Prouince. And soe I thinke I may place this kind of wayes among y^e^ Singularityes of this Island. Allthough by y^e^ abolishing of Sanctuaryes at y^e^ Reformation y^e^ sayd wayes remained vselesse,

* Sic.

yet they were still visited yearely in theire course; till his Ma^{tie} disposed of them by L'res Patent to S^{r} Edouard Carteret, who hath made conueyances of the parcells thereof to those persons who had lands bordering thereon, & by y^{t} meanes quite razed & extinguished them, as if they had neuer ben.

Upon S^{t} Laurences day, if vpon a Saterday, or y^{e} next Saterday after, if it doth not fall vpon a Saterday, the Court meetes in Body to sett the price vpon those Corne-rents which remaine unpayd frō y^{e} foregoing Michaelmas day. Which price is to be rated not arbitrarily but at y^{e} market price which hath ben most frequented the two parts of y^{t} time. Whereof y^{e} Sheriffe is to keepe a note for that end, wherein neuerthelesse y^{e} Jurats may vse theire prudence, according as they see iust cause. The price established by them holds for all ordinary rents that are not Portable, as wee call them, that is which y^{e} Debtor is not bound at his owne charges to cary to his Creditors Granary: for then y^{e} seruice is valued, besides y^{e} price of y^{e} corne. This is called *Le Taxe des Ventes;* because wee call the Arreares of Corne-rents Ventes, as if one should say The taxing of Arreares. There is another day in Nouember wherein y^{e} Fines & Amerciaments of y^{e} Court not defined by Lawe, nor determined vpon y^{e} place, are taxed in a full Assembly. The Clark hath the Roll-Bookes before him ready marked to his hand at every leafe wherein is any fine; who reads the Act conteining the Cause of y^{e} Fine: then y^{e} Jurats votes are taken in this order. The first fine is taxed beginning at y^{e} ancientest Jurat, the second beginning at y^{e} second in ranke, the 3rd beginning at y^{e} 3rd, & soe till the lowermost haue began to taxe; & then y^{e} vppermost begins againe, & y^{e} rest in turne, as before, till all y^{e} fines be pass't. While this is doing, by old Tradition y^{e} Kings Receiuor comes into the Court with a faire Spice-cake very large, & setts it vpon y^{e} Table with a potle of Sacke, another of Claret & of white wine. The Cake is parted into soe many parts as there be Assistants, who dispose of them as they thinke good. This don & thanks giuen he departs, & in Conclusion the Court is to supp at y^{e} sayd Receiuors charge, who hath it allowed vpon Accompt.

CHAP. ix.

Of the Priviledges belonging to y^e^ Islands.

I have allready in y^e^ foregoing Chap. sett in viewe the greate & fondamentall Priuiledge of our Islands, namely, That they haue within them the power of chusing theire owne Judges, & by them to iudge & determine all Causes & matters arising here, independently from any other Jurisdiĉon whatsoeuer, but from the Kg. onely, assisted by his Most Ho^ble^ Priuy Councell, & in case of Appeale onely; which Appeale is not admitted in Criminall Causes, nor of Correction, nor in Interlocutions, nor in those possessory causes which Ciuilians call *Interdicta*, nor in matters hereditary vnder the yearely value of fiue Livers tournois, nor for moueable goods vnder three hundred liuers tourñ. The aduice & consent of the sayd Jurats is of absolute necessity to make any Act of Justice valid, not onely w^th^ the Baillif, who hath noe Jurisdiĉon without some of them, but likewise with other Judges or Comiss^rs^ sent ouer from his Ma^tie^, who are to proceed in y^e^ exercise of theire Cōmissions *per Visum Juratorū, & secundum Leges & consuetudines Insulæ, &c.* And lastly that Appeales made to his Ma^tie^ & Counsell are to be determined not according to y^e^ Lawes of England, but of these Isles. Which Priviledge having ben granted them by King John, as is aforesayd, was afterwards ratifyed by his sonne Henry y^e^ 3, renewed & amplifyed by Ed. 3, & after him by all y^e^ following Kings & Queenes of England downe to the times wee liue in. The Grant conteineth y^e^ following Articles:—

1. Inprimis constituit Duodecim Coronatores Juratos ad placita et Jura spectantia ad Coronam custodienda.

2. Constituit etiam et concessit pro securitate Insularū, Quod Balliuus de cætero per visum dictorum Coronatorum poterit placitare absque Breui de Noua Dissaisinâ facta infra annum, De morte Antecessorū infra annū, De Dote similiter infra annum, De feodo Inuadiato semper, de Incumbreio maritagii, &c.

3. Ii debent eligi de Indigenis Insularū p Ministros D'ni Regis et optimates Patrie; scilicet post mortem vnius eorū alter fide dignus, vel alio casu legitimo, debet substitui.

4. Electi debent iurare sine conditione, ad manutenend & saluand Jura D'ni Regis & Patriotarum.

5. Ipsi Duodecim in qualibet Insula, in absentia Justitiariorū & vnà cum Justitiariis, cum ad partes illas venerint, debent iudicare de omnibus casibus in dicta Insula qualitercunq; emergentibus, exceptis casibus nimis arduis, ut siquis legitimè convictus fuerit a fidelitate D'ni Regis tanquam proditor recessisse, vel manus iniecisse violentas in Ministros D'ni Regis modo debito officium exercendo.

6. Item ipsi Duodecim debent emendas siue Amerciamenta omnium præmissorū taxare, prædictis tamen casibus arduis exceptis, aut aliis casib⁹ in quibus secundū consuetudinem Insularū merò spectat redemptio pro voluntate D'ni Regis et Curiæ suæ.

7. Item si Dñs Rex velit certiorari de Recordo Placiti coram Justitiariis & ipsis Duodecim agitati, Justitiarii cū illis Duodecim debent Recordum facere: Et de placitis agitatis coram Baliuo & ipsis Juratis in dictis Insulis, ipsi debent facere Recordum coniunctim.

8. Item quod nullū placitum infra quamlibet dictaꝝ Insularū coram quibuscunq; Justitiariis inceptum debet extra dictam Insulam adiornari, sed ibidem omninò terminari.

9. Insuper constituit quod nullus de libero Tenemento suo, quod per annū & diem pacificè tenuerit, sine Breui D'ni Regis de Cancellariâ, de Tenente & tenemento faciente mentionem, respondere debeat, neq; teneatur.

10. Item quod nullus, pro felonia damnatus extra Insulas predictas, hæreditates suas infra Insulas forisfacere potest, quin hæredes sui eas habeant.

11. Item siquis foris fecerit & abiurauerit Insul & postea Dñs Rex pacem suam ei concesserit, & infra annū & diem abiurationis revertatur ad Insul, de hereditate suâ plenariè debet restitui.

12. It[9] quod nullus debet imprisonari in Castro, nisi in casu Criminali vitam vel membrum tangente, & hoc per Judiciū Duodecim Coronatorū Juratorū, sed in aliis liberis prisonis ad hoc deputatis.

13. Item quod Dñs Rex nullum Prepositum ibidem prohibere debeat, nisi per electionem patriotarū.

14. Item constitutū est quod Insulani non debent coram Justitiariis ad assisas capiendas assignatis, seu alia placita tenenda, respondere, antequàm Transcripta Cōmissionū eorundem sub sigillis suis eis liberentur.

15. Item quod Justitiarii per Cōmissionem D'ni Regis ad Assisas capiendas ibidem assignati, non debent tenere placita in qualibet dictarū Insularū vltra spaciū trium Septimenarū.

16. Item quod ipsi Insulani coram dict[9] Justitiariis post tempus predictū venire non tenentur.

17. Item quod ipsi non tenentur D'no Regi Homagiū facere, donec ipse Dñs Rex ad partes illas, seu infra Ducatum Normanniæ venerit, aut aliquem alium per Literas suas assignare voluerit in eisdem partibus ad predictum Homagiū nomine suo ibidem recipiendum.

The Article of High Treason excepted from the Cognizance of the Jurats by y^e^ 5^th^ Art. hath scarce affoarded an Example in the practice of 500 yeares after, the Late Rebellion excepted, which is too gñall a precedent to be applyed here; & I hope it will neuer be knowne further then in speculation in time to come. As for y^e^ example of Geoffrey Wallys who dyed for the Earle of Warwicke in Barnet field, it was by Hen. 7 declared noe Treason, & his Estate adiudged to his heire John Fant le Roy, as being don in behalfe of Hen. 6 in a doubtfull quarell.

I will conclude what hath ben sayd with these three obseruations resulting from thence, amonst many more that might be made.

First, That all psons residing or being in these Islands are subiect to the Jurisdiction there established; out of which Rule neither the soldiers or officers of y^e^ Garrison, nor y^e^ Gouernors owne Dep^u^ty are excepted; as plainely appeares by y^e^ 3^d^ Art. of Hen. 7^th^ Ordinances, in which it is plainely sayd, That the sayd Deputy & Soldiers shal be obliged to answeare there to the Lawe, if they doe wrong to the Kings subiects, &c.; which I grant to be meant of Ciuill Causes, & not of Criminall matters in regard of the Deputyes person onely. As for the Soldiers there is noe reason to except them from answearing to the lawe in Criminall Causes, as hath ben iudged of late by his Ma^tie^ in Counsell. And the reason hereof is because the Islanders would be obnoxious to y^e^ Garrison soldiers, without redresse, if the sayd soldiers should be exempt from y^e^ Ciuill Jurisdic̃on. For y^e^ Gouernor neuer had power of Martiall Lawe, neither is it expedient he should haue in a settled Garrison, intended rather for watching then fighting: and as for any Ciuill Jurisdic̃on he hath none; as may farther be seene by another Grant of the same King of y^e^ Tenth yeare of his Raigne, 1494: "Que nosdits Capitaines & Gouernours de ladite Isle n'auront aucune Jurisdiction & n'exerceront ne feront exercer nul ne aucun acte ne exploit de Justice Ecclesiastique ou seculiere sur ou contre nos dits subiects": and as for his power over the soldiers, it is but a power of correction, or cashiring.

The Second Conclusion is, That causing of any action to be Euoqued or Transmitted into England before diffinitiue Sentence is a violation of those Priuiledges.

Thirdly, That noe suite or action for any Contract made or Crime perpetrated in these Isles can be cōmenced in England, but ought to be remitted to the place *Vnde emerserunt*, as y^e^ words of y^e^ Priviledge beare.

These Priviledges being soe solemne, soe ancient & notorious, it is to be admired that from the latter dayes of Edouard y^e^ first & throughout all y^e^ weake reigne of Ed. 2, there should be such a persecution of these Islands & such a violation of y^e^ sayd Priuiledges by y^e^ Itinerant Judges, as the Records of those dayes testifye; who soe plyed y^e^ poore Islanders with Quo warranto'es, that none could tell what was his owne; calling into question not onely priuate mens Titles, but likewise the Publicke Concernes, Lawes & priviledges of y^e^ Islands, & when they had don what they could, remitting y^e^ Islanders for a further examen to y^e^ Kings Bench. Which vexation continued till the 5^th^ yeare of Ed. 3, when vpon a Petic̃on of both Islands (still to be seene in y^e^ Treasury at Westm^r^, Mich. 6. Ed. 3) that horrid Justice was superseded, & y^e^ next yeare after quite abrogated, & y^e^ Priuiledges above rehearsed, with many more there to be seene upon Record, confirmed by Patent, though implicitly & in generall tearmes: for the priuiledges meant vnder those generalityes cannot be referr'd to any others then those sett downe in y^e^ foresayd Petic̃on, whereof y^e^ chiefest were y^e^ same as had ben granted by Kg. John & confirmed by Hen. 3, & which had ben soe much p̣secuted by those Quo Warranto'es. And therefore this is to be allwayes remembred as a p̣petuall memorandum, That the Priuiledges spoken of in y^e^ L'res Pat. of Kg. Ed. 3, & renewed & confirmed by y^e^ subsequent Kings, are to be vnderstood not *in sensu vago*, but of those before menc̃oned; y^e^ principall whereof have ben specifyed in y^e^ later Charters of Queene Eliz., King James, King Charles y^e^ first, & of his Gracious Ma^tie^ who nowe reigneth.

It matters not that one or two of y^e^ sayd Priuiledges, as namely the 9^th^ Art., at long running haue ben discontinued in Practice. It is the weakenesse of humane lawes, that they haue theire times of being vsefull & vselesse, as the cause of theire vse is or ceaseth to be. Some Gouernors did then sometimes ouer stretch theire Authority, they had y^e^ nomination of Baillif, Sheriff, Attorney & Sollicitor & by them a great hand ouer y^e^ Jurisdiction; which moued y^e^ Inhabitants to desire that none might answeare or be disposses't *de libero Tenemento &c. sine Breui de Cancellaria, &c.* But y^e^ case is long since alter'd; & soe y^t^ Priuiledge vselesse.

CHAP. x.

Continuation of Priuiledges.

Lett us nowe proceed to other Priuiledges granted in cõmon to all these Islands, by the Kings who succeeded Edouard ye 3. Wee haue ye Charters of Rich. 2, Ed. ye 4th & Hen. the 7th conteined in a Charter of *Vidimus* of Hen. 8, the first of which charters is somewhat augmented by ye second, & the second by the third; & all those Three by ye fourth. That of Rich. 2 conteineth an exemption for euer *in õibus Ciuit*9 *Villis mercatoriis & portubus infra Regñ Anglicæ de om̃b*9 *Theloniis exactionib*9 *Custumis* in the same manner as the Subiects of England. That of Ed. 4 extends it to all places & Islands belonging to that King both farre & neare, & to subsidyes and all other dutyes whatsoeuer, as well within these Islands, as in his other Dominions: which is confirmed by that of Hen. 7 & againe by Hen. 8. These Charters are againe made good by Ed. 6 in ye second yeare of his Reigne. The same exemption & freedome of trade is alsoe found at large in ye Charters of Queene Eliz., King James, King Charles the first & of his Matie nowe reigning; wherein the subiects of these Islands are in point of Cõmerce made equall to his English subiects, & yt not onely in the Townes & Ports of England, but alsoe in all other Dominions beyond the Seas; which should inuolue the Plantations in America.

There is besides these another very large Grant, Ao *quintodecimo Hen. 7, Septimo die Decembris,* to the Isle of Jersey, conteining a liberty to transport from England thither all maner of sheepe, oxen, lambs, lead, Tinne, hides rawe & tanned, tallowe,

trotting horses of y^e^ price of a marke, mares of ten shillings price, & colts of fiue shillings price, according to the prices of those times; paying onely such dues as the English subiects vsed to pay, & giuing security for the vnlading thereof in the Island, and the sayd Grant to continue for euer. The intent of which Grant & of all others of that kind seemeth to be, That the Islanders should be supplyed out of England with all prouisions they should want, such as were then the things aboue specifyed; but that the sayd liberty should not be extended to the disposing of those comodityes by waye of traffick into any other Countreys that were not of his Ma^ties^ obedience, to y^e^ preiudice of his Customes. Which fatherly care seemes to have continued in succeeding Princes, in giuing y^e^ like permission for transporting hither those commodityes which are at present necessary for vs, as wooll, lather,* sea coales, cloth, stuffs, &c. It is true that the transportation thereof is by late Grants limited to a certaine quantity. But that quantity is soe ample, that it is easy to perceiue that the granter mean't to make sufficiency his rule. For wooll soe necessary for vs, being the staple Comodity of England, it was very fitt for preuenting abuse in the transportation thereof, to reduce that permission to a certain proportion not exceeding our necessity. And therefore wee see, that whereas at the first a small quantity was granted; because wee then needed litle, & that the manufacture of stockings increasing, & with it our need of hauing more, the sayd Princes haue by degrees inlarged theire bounty; till at last it is brought to Two Thousand Todds yearely; a quantity iudged coadæquate to our present occasion: and I dare presume to say, that if his Ma^tie^ should see that wee really wanted more, he would yet further displaye his liberality towards us.

* Sic.

CHAP. xj.

Of the Priuiledge of Neutrality.

I come nowe to a Priuiledge of all the Islands together, soe singular that the like is not to be parellell'd* elsewhere in any age, That a Tract of Islands should haue & enjoye by the acknowledgment of all bordering nacõns the benefitt of a perpetuall peace, not onely in theire Ports, but alsoe in ye seas about them, soe farre as the best eye of man can discouer in the cleerest day; where the greatest enemyes, who any where else would pray vpon one another, within ye compasse of that Priuiledge become good freinds & trade one with another as if they were not in warre. This priuiledge, howsoeuer strange it may appeare, is most certaine, & hath ben obserued & acknowledged not onely by some particular men for theire priuate gaine, but by the Kings & Princes themselves; who haue enioyned the due obseruation of it to theire subiects. But forasmuch as of late it is become something obscure, through the carelesnesse or neglect of some who ought to haue cherished it, the Reader will pardon me if I dwell somewhat longer vpon it. That there is such a thing as I have sayd may easily be shewed by testimony of writers, not onely of ye English Nation, but others alsoe. Euery body knowes what Cambden sayes of it in his "Britannia," Cap. "Insulæ minores." Many alsoe haue seene Mr. Seldens Booke "De Dominio maris," Cap. 19 & 21, where they acknowledge that in these Islands are *perpetuæ Inducie*. They might have sayd *Perpetua Pax;* for it is rather a perpetuall peace, where there can be noe warre at all, then a Truce. But lett them give vnto it the name of Truce or Neutrality or Refuge place; it matters litle, soe the thing be acknowledged. Mr Selden will haue this

* Sic.

priuiledge to be deriued from the onely grace & fauour *Beneficio Regum Angliæ;* because he had seene it in Kg. Ed. 6 his Charter, & perhaps he knewe noe other ground for it, then that. Indeed it is most true that without theire speciall grace & abondant fauour wee could neuer haue had it, much lesse haue kept it. But yet if it be true that other Princes & Nations are likewise concernd therein, it must alsoe be true that theire concurrence & consent must haue ben had aforehand to make it effectuall; & this consent by long vse & practice must haue growne into an inueterate Custome; which hath y^e^ force of Lawe euen among those who otherwise haue noe dependance from each other. Doctor Heylin in his Survaye sayes out of Selden that, That by ancient priuiledge of the Kings of England there is in these Isles in a maner a continuall truce, & y^t^ it is lawfull both for Frenchmen & others, howe hot soeuer the warre be followed in other parts, to repaire thither without danger & there trade in all security. But it is a great mistake in him to add, that this priuiledge is founded upon a Bull of Pope Sixtus. It is true that there is such a Bull & a very thundring one. But that the sayd• priuiledge could be sett vp by any Pope, or that any instance can be giuen that the like was euer don, is not to be beleeved. For that is as if the Pope should against the Right of Nacons take into his protection the subiects of any Prince in the time of open warre & hinder his lawfull enemy from warring against them, as if he should excomunicate the Kg. of France for assaulting any of y^e^ King of Spaine his Provinces in time of open warre. Which being absurd to beleeve, wee may conclude that y^e^ sayd Bull was not the ground of y^e^ sayd neutrality, but rather that y^e^ sayd neutrality was y^e^ ground of the Bull. It is likewise true what he further adds, That this Bull was verifyed in the Parliam^t^ of Paris; & (he might haue added) by the consent of King Lewis the Eleventh, & confirmed by his sonne & successor Charles the Eight, & by his spall order proclaimed in all y^e^ Port townes of Normandy, as it had ben all Britany ouer before that, by y^e^ comand of Francis the last Duke of that Prouince. But it doth not followe that the sayd

Verification was meerely in obedience to the Pope; who can not excoīunicate any one person for doing what the lawe of nations & coīon reason permitts, much lesse such an Assembly as that Parlement is knowne to haue allwayes ben: but rather because they were assured that the Pope intended thereby to represse y^e^ insolencyes of those who went about to breake a Priuiledge agreed to by all naĉons, euen by those who did violate it; for otherwise it had ben noe iniustice in a free naĉon not to submitt to an agreem^t^ made by others & not consented to by it selfe. The true cause then of this neutrality must be an vniversall concurrence, either expresse or tacit of y^e^ Princes & States concerned therein, knowne to all theire subiects, at least those hauing to doe with the Sea, & soe inured by continued vse that none could pretend ignorance of it, or haue any iust pretence to breake it. And such is the priuiledge euen in y^e^ iudgment of strangers. The Booke called "Les Vs et Coustumes de la mer," printed at Rouen by Authority, Año 1671. "Dabondant" (sayth he), "si la Prise a esté faite en lieu d'Asyle ou de Refuge, coīe sont les Isles & mers de Jersey & Grenezay en la coste de Normandie, ausquelles les François & Anglais, po^r^ quelq^s^ guerre qu'il y ait entre les deux Couronnes, ne doiuent insulter ou courre L'ung sur l'autre, tant & si loing que s'estend L'aspect ou la veüe desdites Isles, &c."

Wee haue here in Jersey the Patent of Henry the Seventh exemplifyed by his sonne Henry the 8^th^ conteining verbatim the foresayd Bull, & coīanding y^e^ same to be notifyed & obay'd in all theire Dominions. As for the Bull it selfe, it was obtained at the request of King Edouard y^e^ 4^th^, presented to that Pope by his Ambassad^rs^, as it is express't in the body of the Bull. It is somewhat long & tedious; but the Importance of the Priuiledge requireth that it should be produced & inserted here at lenght. *Henricus Dei G̃ra Rex Anglie et Franc. et D̃ns Hiĥ om̃b^9^ ad quos, &c. Constat nobis &c.**

* Sic. Le manuscrit de M. Poingdestre ne donne que les premiers mots du texte de cette pièce. On la trouve en entier dans l'appendice viii de l'histoire de Falle (éd. Durell, p. 232).

The sume of all is that King Ed. 4 being sensible of the violation of this Neutrality by some Roavers at sea, thought good to seeke for a Remedy by the Censures of the Church, which were in those times much redoubted, which he obtained by his Ambassad^rs at Rome. This terrible Bull containes first a seuere Monitory, & then vpon refusall to submitt, an Excomunication, Anathematization & Curse implying noe lesse then eternall damnation, with confiscation of goods & chattels & such lands as the offend^rs hold of the Church, dishabilitation to haue or hold any Ecclesiasticall dignity, to dispose of goods by Testament, to make any valable Instrum^t if they were Notaryes. The like against Abetters, fauourers, Receptors & buyers of goods taken contrary to y^e tenor of y^e Bull, allthough they were Comonaltyes; without sparing any of what dignity soeuer, Earles, Dukes, Princes, yea Kings & Queenes alsoe. And to make it more effectuall y^e Arch Bishop of Cant., y^e Bishop of Sarum & y^e Deane of S^t Peter, y^t is Westm^r, impowred to pronounce it with interdiction of all Acts & exercise of Religion, where it should be violated in publiq, & to see it duely executed, &c.

I would faine knowe whither in any reasonable mans opinion it be likely: first that Edward y^e 4^th would have become a suitor to y^e Pope for such a strange Bull, to vindicate a Priuiledge airy & doubtfull? or secondly, In case he had ben soe weake as to doe it, whither wee may suppose that the Pope, reported for a prudent person, would haue yielded to his desire in a Request importing y^e damnation of many Christian soules, soe much trouble to theire persons & losse of goods & Estates. Or if both they had ben soe grossely mistaken, yet may wee beleeve that Henry the 7^th, beleeved generally to have ben very cautious, & by King James in a L're to y^e Baillif & Jurats of this Island styled an Excellent Prince, would haue vnaduisedly swallowed the sayd mistake; & his sonne Henry y^e 8^th a very acute Prince haue followed him therein, & haue guyded his sonne Edward the 6^th into y^e same error, & after him his daughter Queene Elizabeth?

But forasmuch as I have heard it doubted by some, whither such a Priuiledge in a frontier place, where the King keepes a perpetuall Garrison in pay, can be so practicable, as not to endanger y^e^ security of it, in regard of Designes which, by meanes of such free accesse, might be framed underhand prejudiciall to his Ma^tie^ Right: I might in answeare to that doubt offer this question; whither they thinke that soe many wise & warlick Princes who haue allowed of it, were not prudent enough to foresee any Inconvenience following the same. But I will aske them further, whither they thinke it practicable in time of peace? If they say noe, then farewell all comerce. For all Townes of any considerable trading are in some sort fortifyed, & may be surprized. But if they say yes, my Replye will be, That in these Islands it is allwayes time of Peace, espally for merchants & such like, who come in a peaceable waye. But for others, it is y^e^ part of such as Comand there, to see there be nothing don in preiudice of theire Trust. But after all, why should the practicablenesse of it be call'd in question; when experience of soe many ages hath sufficiently shewed that it is soe. Wee haue a Judgment in Parchment, of very ancient writing, giuen at Morlaix, concerning a ship of Guernezey taken in y^e^ Channel by a vessell of warre belonging to Britany, in the time of warre betweene England & France: which ship was released by vertue of y^e^ sayd Priuiledge: y^e^ true Coppy of which shal be giuen in its due place, after this Booke.* In y^e^ sayd Parchment is found a faire acknowledgm^t^ both of y^e^ priuiledge & of y^e^ practice of it during y^e^ greatest hostility; wherein it is declared That allthough these Islands are of y^e^ Kg. of England's obedience, neuerthelesse they are neuters of all antiquity, as well by reason of theire sayd priuiledge as by vertue of the agreem^ts^ made betweene y^e^ Princes, & by Apostolicall Censures; as alsoe because it hath pleased the King our Soueraigne Lord (sayth the Gouernor of Britany, who was at that time Francis the first King of France), to declare his will

* Le manuscrit de M. Poingdestre ne contient point cette pièce; elle est imprimée dans l'appendice ix de l'histoire de Falle (éd. Durell, p. 241).

& intencon to be not to warre against them nor to doe them harme in body or goods, noe more then if they were of his obedience. And that likewise by Declaracon of ye King of England (viz. Hen. 8) the subiects of ye French King nor his Confederates were not to be hurt or molested in body or goods, soe long as they were within ye liberty of these Isles; soe as the subjects & Allyes of both Princes might with safety repaire & traffick together therein & in ye limitts thereof, as in a Countrey neuter, not doing any act of warre one against another, vnder great penaltyes, &c.

The French Kings Declaracon therein mentioned concerning ye sayd Neutrality agrees to a L're patent vnder Seale, directed by Charles the 8th to Monsr de Grauelle, Admirall of France, published in all Port townes of his Dominions *A son de Trompe;* whereof ye Coppy shall be placed hereafter.* For ye very originall is with vs, as likewise of yt of Francis, Duke of Britany, who had before made ye like for his Dukedome: of which L'res, because they were to serve in many places, they caused diuers authenticall Coppyes to be sealed & sent some to one port & some to another. There might be found diuers more euidences for this priuiledge, which are in particular hands. As for our publike Records they were long since consumed by fire with the Cohue: whereof one hath escaped, very notable. It happened in the Duke of Somersetts time, when ye warre was very hot with France. Some French vessells were then in the Port at St Albins laden & ready to sett sayle. It happened that some English Priuateeres with three hundred men aboard them arriued theither, & offered to seize on them as Enemyes. Which Henry Cornish, then Deputy Gour for the sayd Duke, being informed of, caused the strenght of ye Island to be gathered together, & had layd them by ye heeles, had not they preuented him by departing thence.

Moreouer wee haue an Act of the yeare 1524 made in ye Assembly of ye 3 Estates of this Isle, the then Gouernor & ye Comissioners sent ouer hither from ye Kg. being present, howe

* On ne trouve pas cette pièce à la fin du manuscrit.

that a Prize made by one Denys Pointy within the precinct of these Isles, contrary to y^e^ neutrality, was iudged tortionary & illegall, & y^e^ sayd Pointy condemned to make restitution, with costs, which was accordingly don.

This neutrality was acknowledged long after, that is in 1614, in a plea for 3 Jersey merchants before y^e^ Parlement of Britany, which is in Print, in which it is sayd, that these Islands had the priuiledge *de rester Neutres pendant les guerres d'entre les deux Royaumes.*

Lastly in y^e^ yeare 1628, when a Barke laden with goods from S^t^ Malos & address't to M^r^ Baillehache, an Inhabitant, was sett vpō by one Capt. Barker in y^e^ Port of S^t^ Aubin, being at anchor there, the Court ordained that it should be released, for many reasons, & especially for this of neutrality, forasmuch (sayd y^e^ Act) as it is not lawfull by our Priuiledges confirmed by our most bountifull King, for any of his Captaines or other his subiects to take any one whither frend or foe about these Isles, as farre as mans sight can extend itselfe, as they will answeare it at theire perills & be severely punished, &c.; vnto which Judgm^t^ Capt. Barker did submitt. And during y^e^ warre about y^e^ Isle of Rhee & Rochel y^e^ marchant Hosiers came from as farre as Rouan & Paris to Jersey & Guernezey, & there bought & openly conueyed awaye a greate number of Bales of Stockings, without any hinderance; & y^t^ not once but many times: & y^e^ same liberty hath ben taken at other times by those of Coutance & Carteret, who were conniued at by the then Gouern^r^, though noe great freind to y^e^ sayd Neutrality.

There remaine yet two points to be cleered: the one concerning y^e^ Bounds & Extent, y^e^ other of y^e^ beginning or antiquity of this Neutrality. The judgm^t^ of Morlaix aboue menc̃oned says that the Guernezay ship then in question was taken *en la Grande mer entre le pays d'Angletre & l'Isle de Grenezay,* betweene Engld & Guernezay, belike in y^e^ mid-channell. The precinct of it by y^e^ Popes Bull & by y^e^ Charter of y^e^ two Henryes 7^th^ & 8^th^ expresse it *per visum oculi;* that of Queene Eliz., King

James, King Charles y^e^ first & second *quatenus visus oculi posset assequi.* Nowe an ordinarye eye in a cleere sum̄er day will easily discouer Le Cap dettelles, 3 leagues from S^t^ Maloes, which is about twelue from Jersey; & in that proportion it will comprehend such a circuit of sea as will take in all y^e^ Coast of Normandy as farre as Cap de la Hague, aboue halfe waye to the Coast of Britany towards Brehac & y^e^ Seuen Isles, all y^e^ sea roome betweene Jersey, Guernezey, Sercke & Aureney, from y^e^ North of Guernezey twelue or 14 leagues towards y^e^ Ocean, & from Aureney neere halfe waye ouer the English Channell: within those Bounds is y^e^ Precinct of y^e^ sayd Neutrality to be limited; which may for that reason be called MARE PACIFICUM.

The last point concerning y^e^ beginning or antiquity of this Neutrality is as obscure as y^e^ thing itselfe is certaine: the body of it is nowe in full viewe, as I thinke; but *Caput inter nubila condit.* It is by some argum^ts^ probable that y^e^ first Inhabitants of these Isles came from the Coast of Britany. But that the Princes of y^t^ Prouince had to doe with the Islands themselues in point of Dominion may appeare by what d'Argentré reports in his Hist̄, viz., that Childebert, King of France, & Hoel, styled by him King of Britany, bestowed these Isles vpon Sampson, Bishop of Dol, as an augmentation of Diocese, y^e^ one as Im̄ediate, the other as Paramont Lord thereof; & soe they continued long after in vnion with y^e^ sayd prouince, from which they alsoe received theire Christianisme; till being separated from it by y^e^ Norman Inuasion, they were forced to change theire masters, & soe began to depend from that Coast, & were made part of y^e^ Diocese of Coutance; yet soe as not to forgett theire old relac̄on to y^e^ Britons, with whom it is probable they continued in amity, not entermedling with y^e^ quarells which afterwards fell out betweene the Dukes of both Prouinces. And it is as likely that when in King Johns dayes the Dukedome of Normandy reuolted from him, y^e^ sayd Islands felt very litle or nothing of that change; except that some Gentlemen of Normandy who possess't lands there were depriued of them for not coming to the Kings peace; yet with this Caution, that they should be

restored to them *cum terræ Anglorū & Normannorū fuerint cōmunes*, that is when Normandy should be reduced. In all other things the relation they had with Normandy remained entire as before. The seuerall Religious Houses of y^t^ Dukedome who had Lands or Tithes belonging to them in y^e^ sayd Isles were suffered to enjoye them peaceably & quietely; & y^e^ B'p of Coutance continued his care & Jurisdic̃on ouer them, without molestac̃on or intermission for any warres y^t^ followed afterwards, downe allmost to our times; which could not be don without a tacit agreement & correspondence betweene vs & them, as it had ben afore betweene y^e^ Britons & vs. And soe you may see here y^e^ spring & rising of these "*perpetuæ Inducīæ*" in this Triple knott of the Islanders with y^e^ Brittons & Normans; which y^e^ Kings of France haue hitherto conniued at; & the Kings of England found soe necessary for vs & soe litle preiudiciall to them, that they haue don what I haue declared heretofore to tye it faster. This entercourse & liberty of cōmerce with these Islands in time of warre being obserued by other bordering nac̃ons on these Seas, they were easily induced to come into it by imitac̃on, & finding y^e^ good of it to continue & maintaine it. AND SOE I HAUE DON WITH THIS NOTABLE PRIUILEDGE.

CHAP. xii.

Continuacon of Priuiledges.

Another Priuiledge of ye Royall Courts in both Islands is that they are not limited to matters of jurisdiccon onely; but that as in ye parts about Gascony the Jurats established there in ye seuerall districts haue to this day the principall care & disposition of ye politicall part of Gouernemt, where Parlements haue not abridged it, soe in these Islands the Jurats with the Baillif have from ye beginning had the same trust reposed in them vpon all occasions, relating to the security & ye good & quiet gouernmt of ye same. And therefore they haue allwayes vsed to make & abrogate politick orders for Inne-keepers, butchers, bakers, labourers, for the prices of victualls & drinks of all sorts, profanation of ye Lords day, churches & church yards, prohitions* to export home bred comodityes & import foraigne ones, & ye like. And the Kings of England haue allwayes address't theire Charters, Grants & other L'res of publick concernement *Balliuo & Juratis*, as ye only standing Body politick in capacity to receiue theire orders & comands within these Islands, & to see the same put in execution. It is true that when any resolucon hath ben to be taken about those concernes of ye Islanders wherein theire parte or bodily assistance was to be made vse of, it hath ben the custome to applye themselves to the Gouernor or his Deputy for a Conuocation of that Assembly wee call "Les Estats"; which was neuer refused by them, noe more then theire consent to the resolucons taken there; as is apparent from the

* Sic.

Register Bookes of y^e^ same. Howsoeuer vpon occasion of differences it hath ben doubted of late yeares whither in case y^e^ Gouernor should be of soe ill humor as to obstruct y^e^ Affaires of those Assemblyes, by standing vpon his Negative Voice in the Transaction of things purely indifferent & not belonging to the maine part of his Trust, but either of some of theire Priuiledges, or of some Addresse to his Ma^tie^ or y^e^ like, I say whither in that case y^e^ sayd Estates may not resolue the meanes of such Addresses notwithstanding y^e^ sayd Negatiue. It is certaine that very frequent meetings of those kind of Assemblyes haue ben in former times all vpon record; wherein there was neuer any speech of a Negatiue Voyce. It was first insisted vpon in Sir John Paytons time, vpon occasion of some variance he had with the Baillif, who would haue kept an Assembly of Estates without his assent. After much altercation it was asserted to the Gouernour, & reason good! but with such a modificatiō as made it vsefull to accomplish his Trust, & left a sufficient latitude of power in the politick Assemblyes to manage theires. This was don by an order bearing date at Whitehall y^e^ second of July 1619, recorded in y^e^ Councell Booke in these words, "Concerning the Gouernours Negatiue Voice in making of Ordinances," It is nowe alsoe ordered, THAT HE SHALL NOT VSE HIS NEGATIUE VOYCE, BUT IN SUCH POINTS AS SHALL CONCERNE OUR SPECIALL INTEREST; THE RATHER IN REGARD THAT SUCH ACTS AS ARE MADE IN THEIRE ASSEMBLYES ARE BUT PROUISIONALL ORDINANCES & HAUE NOE POWER OR PROPERTY OF LAWES, UNTILL THEY BE CONFIRMED BY VS.

But because here is frequently made mention of an Assembly of 3 Estates, I can not passe on till I haue acquainted y^e^ Reader what that is. I remember y^t^ vpon occasion of discourse with the late Earle of Clarendon, being then in Jersey, I told him of some thing formerly don by consent of y^e^ three Estates. "Estates!" sayd he, "*Bona verba.* Haue you a priuiledge here of calling Parliaments? or of doing of yo^r^ selues, what those Assemblyes vse to meete about in France and Germany?" Then I explaining my selfe, sayd that wee called those Assemblyes Estates, not that they were properly soe; for otherwise they could not meete

but by expresse leaue & cõmission from his Ma^{tie}, nor passe any Act without his Assent; but for some resemblance they haue to those Grand meetings; being otherwise nothing else but a Cõmon Counsell of this Island, as they are often called in our Roolles. For in an Assembly of three Estates properly soe called there ought to be Deputyes of those three Bodyes which compose a Cõmon wealth, *Cleri, Ordinis & Plebis*, Church, Nobility & Cõmons. The Church with vs consists of twelue Ministers onely, who send none for them, but assist all of them, that are natiues (for of strangers wee admitt none). As for Nobility wee have none in the English sense, where all Gentry of what extraction soeuer are comprized vnder y^{e} notion of Cõmons. Our Commons doe not depute any for them; but the Constable of each Parish (with vs an Officer of greater accompt then in England) is to be a member *ex officio*. And soe it is at y^{e} most but "Vne Assemblee de Notables," or Common Counsell, & not of three Estates, but abusiuely. Neither are y^{e} things treated of therein of such weight as in those Great Assemblyes, but most times things which are within the cognizence of y^{e} Baillif & Jurats; wherein for some reasons they thinke good to take y^{e} aduice of y^{e} other considerable part of y^{e} Island.

I passe nowe to another priuiledge of y^{e} Ciuill Jurisdiĉon, consisting in this, that, whereas the power of determining affaires relating to traffick & nauigation & gñally all sea matters is in England reserued to a particular Court, those matters with vs called Causes d'Admirauté are *ab omni œuo* determined by y^{e} Royall Court (except y^{e} Adiudications of Prizes), even y^{e} Breaches of our Neutrality & y^{e} point of Piracy, whereof there are many examples in our Rooll-Bookes. Here is one for all, made in y^{e} Gouernors presence & of y^{e} 3 Estates. "L'an 1554, le 6 jour du mois d'Octob. Mons^{r} le Cap^{ne} mons^{r} le bailly & mess^{rs} de la Justice avecq^{s} to^{s} les estatz & cõmũ cõseil de ceste Isle de Jersey estans assembles ensemble pour cõsulter et cõmuniquer et po^{r} donner responce a guille le blond des pt^{es} de Normãdie sur vne ĉtaine īhibition obtynse hors de la p^{l}ncipalle court de mõs^{r} ladmiral dangleterre a la suytte dud^{t} guille le blond par

son mal & sinistre donner entendre cõcernant vng ℭtain proces pendant ꝑ deuãt la Justice de ladᵗᵉ Isle entre ledᵗ le blond & Joħn de tyeuille escuyer des parties aussi de normandie A cãe dung ℭtain navire du port de soexante toñ ou viron estant p̃nt en arrest au hable de sᵗ aulbin en ladᵗᵉ Isle. Lesdᵗˢ Capⁿᵉ bailly & Justiciers avecq̃ Les estatz & cõmũ cõseil de ladᵗᵉ Isle cõsiderantℭ que si ladᵗᵉ matiere estoit tiree hors de la Jurisdiᵒⁿ de ladᵗᵉ Isle sans que la cãe fulst deubmẽt remonstree a la Maieste royalle & aulx pⁱnces & sʳˢ du cõseill Que cela pourroit en temps aduenir grãdement ꝓiudicier es ꝓuileges libertes & anciẽnes coustumes de ladᵗᵉ Isle. Entendu que James ne fult veu ne cõgneu que telle matiere ne aulcũe aultre fust ressortissante de ceste Jurisdiċon en ladᵗᵉ court de ladmiralite Et q̃ mesmes par les ꝓuileges libertes & anciẽnes coustumes de ladᵗᵉ Isle nulle cãe ou matiere de q̃lque nature ou disposiċon quilz soiẽt ne est sortissante hors de la Jurisdiᵒⁿ de ladᵗᵉ Isle fors de leeze maieste si nõ par appel ou doleance formellemẽt faicte aꝓs sentence dõnee & proferee par le Juge poʳ resortir ꝑ deuãt mõsʳ le chancelier & les pⁱnces & sʳˢ du cõseill, et par deuãt nul aultre. Cõsiderantℭ aussi q̃ la remõstrance dudᵗ blond specifiee en ladᵗᵉ Inhibition moyns q̃ veritable et que encore aulcune sentence navoit este dõnee ne ꝑferee en ladᵗᵉ matiere. Et aussi poʳ la cõservaᵒⁿ & entretenemẽt des ꝓuileges libertes & ancyennes coustumes de ladᵗᵉ Isle. Et mesmes poʳ que mõsʳ ladmiral puysse en estre deubment ĩforme. Il a este ordonne & determine par le cõseil aduis & assent desdᵗˢ sʳˢ Capiⁿᵉ bailly & Justiciers avecq̃ toᵒ les estatz et cõmun cõseill de ladᵗᵉ Isle, q̃ on rescripura pour en ĩformer mõdᵗ sʳ ladmiral, Et que entretant ladᵗᵉ cause & matiere est respitee pour le terme de quarante jours."*

* Cet acte est imprimé d'après l'enrôlement dans les Rôles de la Cour du Samedi, Livre 3.

CHAP. xiii.

Of the Gouernour.

The Gouernours ordinary power consists in y^e^ due managing the sword of warre. All y^e^ forces & strenght of y^e^ Island both by sea & land are within y^e^ precints of that power, as they tend to the preseruation of the same in the Kings obedience; but most esp̃ally from outward attempts & from foraine enemyes, for that power which regards y^e^ sword of Justice is peculiar to y^e^ Baillif & Jurats, & that power which tends to preserue it from inward disorders is com̃on to him & them *per equales portiones.* It is y^e^ businesse of them all by theire seuerall places & oathes: they must contribute from theire Jurisdiction, & he from his Garrisons; they Counsell, he strenght, if it be demanded. This power of his as Gouernor may be augmented with other additions; but it cannot be diminished; for it is all one as if his place should be taken frō him. He is to knowe of all that come to, or goe from y^e^ Island into places not of y^e^ Kings obedience, giue passeports, vissitt suspitious shipps, enquire into y^e^ practices of strangers & doe all other things *sine quib^9^ &c.* As for his other Titles & prerogatiues as well as his emoluments, they depend on the K^ges^ pleasure. The Governours in very ancient times had placed in them as well the Judiciall as the Military pt of Gouernem^t^ & bore the name of Baillifs. They exercised y^e^ last part by themselves, & y^e^ first by Lieutenants. The word Baillif signifyes in y^e^ Gottick tongue Guardian. They left at last the Barbarous word to their Lieuten^ts^ & tooke y^e^ Interpretation thereof to themselves: & soe were called *Custodes* or Guardians.

They haue ben likewise called Captaines, & at last haue affected to be styled Gouernors, as they are to this day. Theire authority hath flowed or ebbed, as theire Comissions haue ben enlarged or restrained. King John, then but *Comes Moritonii*, Earle of Mortaing, had from his Brother Richard these Islands granted him & his heirs for euer, & after him Edward y^e^ first being but Prince had another like Grant. These two Grants being made to Heirs Apparent were not alienations from y^e^ Crowne, but onely Anticipations of succession. In the weake time of Edward the Second Otho or Otto de Grandison had y^e^ Grant of them for his life & ten yeares beyond. But the man was scarce cold when all he left was seized for y^e^ King, for misdemeanors in y^t^ place: for he Lorded it, with a high hand; styling himselfe what he was not, "Dominus Insularū," & many wayes vexing y^e^ natiues; as appeares by y^e^ Records of those times. Philipp Daubigny had vnder King John & Henry y^e^ 3 had y^e^ same Comand & after him Drogo de Barantin, both of them moderate men & well approuued of. All these had y^e^ gñall Comand ouer all y^e^ Islands, with all y^e^ Reuenues thereof, *sine computo*, y^e^ disposall of all places whether Ciuill or Military, Homages, Wardshipps, with all other prerogatiues & emoluments whatsoeuer. Edward the 3 disposed of y^e^ Gouernement of the sayd Isles after another manner, & more thriftily a great part of his time; for he disposed of them seuerally, allowing to y^e^ Guardians 200^li^ tourñ pension p Annū, & causing all y^e^ Reuenues of the sayd Islands to be accompted for by y^e^ Receauours in the Exchequer, where those Accompts are still to be seene. In y^e^ following times of Rich. 2, Henry y^e^ 4, 5 & 6^th^ the Comissions were much amplifyed; & there followed a series of Guardians & Captaines with all y^e^ Clauses of power vsually inserted in Patents; & y^e^ disposall of all places ciuill & military & ecclesiasticall too, till at last Henry y^e^ 7 made stopp, who, having passed by Jersey when he fled into France being in disguise, and being fauorably disposed towards the place, & a cleere sighted Prince, would not suffer that those *Insignia Maiestatis* & prerogatiues of y^e^ Crowne should be any longer in vulgar hands, abused for y^e^ most part, & sold or by

some other sordid way disposed of. Which had ben the Cause of long contests betweene Math. Baker, Esq., then Capt. of Montorgueil & of all y^e^ Island & y^e^ Baillif & Jurats, & of seuerall complaints against him. The finall result whereof was a Reuiewe of things pass't & a limitation of that exorbitant power according to the Tenor of seuerall Ordinances, inserted hereafter; whereof the sum̃e was, that y^e^ Gouern^r^ should not haue y^e^ nominac̃on of y^e^ Baillif, Deane, &c., nor vsurp any pt of Jurisdic̃on Eccles̃ticall or Ciuill, or attempt any wise against y^e^ Baillif & Jurats; & that both y^e^ Soldiers & Officers of y^e^ Castle (not excepting his owne Deputy) should answeare it before y^e^ sayd Baillif & Jurats, if they did any wrong to y^e^ Kings subiects, &c.

Notwithstanding which ordinances the succeeding Captaines, taking noe notice thereof, continued to cause theire Patents to be framed vpon y^e^ former, & with y^e^ same Clauses, which by inaduertency passed y^e^ Seales; & were in some degree put in execution during the moderate Gouernem^t^ of y^e^ Pauletts, men very popular & well liked of, till that a debate falling out betweene S^r^ John Peyton, Gouern^r^, & John Herault, Esq., Patentee for y^e^ Office of Baillif, vnder y^e^ Reigne of King James, a full Reviewe of y^e^ sayd matter was had before his Ma^tie^ & y^e^ sayd Ordinances confirmed, with an Elogiū of y^e^ Author. And there it hath rested euer since.

CHAP. xiiij.

Of the Kings Reuenue in Jersey.

Anciently the Kings Reuenue consisted principally of seuen Manors, which had ben the Patrimony of the Dukes of Normandy. These Manors were by Henry the Second lett out in fee farme to diuers Tenants at the rate of 460 Liuers tournois per Annū; which pounds tournois weighed at that time as much as the pounds sterling doe at present. But since that time the Tournois money hath by degrees ben soe debased, that the sayd farme rents are become inconsiderable. Another part of y^e^ sayd Reuenue was a certaine Ducall Right called Fouage or Moneage, of old giuen to the Dukes of Normandy by theire subiects, to the end they should not alter the Curant coyne of that Dutchy; & it consisted of one shilling or sol tournois for euery fire, to be payd once in 3 yeares: which was then a considerable sum̄e; because the shilling tournois went then neere the value of y^e^ nowe English shilling; but nowe is worth but one penny. Item the perquisits of the Court, the money payd in lieu of thirteens for all bargaines of sayle of lands & rents, & such like casuall dues valued at 80^lis^ tournois; eight water mills at 130^lis^, Escheates, wheate rents, diuers parcells of meadowe, & other both arable & pasture ground, Customes, &c. But nowe y^e^ chiefe part of the Kings Reuenue consists in the Tithes of the Parishes heretofore Impropriated into the hands of seuerall Abbots & Abbesses of Normandy, which, with other Reuenues belonging to them in these Isles, were seized at y^e^ time of the Reformation in England, besides farme rents

& other rent moneyes, fees, lands & rents escheated to the King upon diuers occasions, the Kings wheate-rents & other Reuenue both certaine & casuall, esteemed by extent at fifteene Thousand liuers tournois, & in English money at eleuen hundred pounds. The tenement called the Farme, & y^e^ Kings medowes, with some other grounds, therein not comprised, nor y^e^ lands & rents called S^t^ Germains, nor many other emolum^ts^ casuall *per partes*, but certaine in y^e^ whole.

This being too meane a summe for a Place wherein his Ma^tie^ is at the Charge of 3 Garrisons, one may reasonably aske, of what advantage this Island, or that of Guernezey, which is yet meaner in Reuenue, can be to the Crowne of England, that it should be at greater charge in keeping them, then the benefitt they yeeld to it? I answeare that formerly the charge of keeping this Island, when there was but one Garrison on it, was fully supplyed out of the Reuenue thereof; & may yet be soe, at least in time of peace, if his Ma^tie^ shall be pleased to reduce y^e^ Garrisons to one, & y^t^ be found expedient for the good of his Affaires. If not, yet it may be further answear'd, that the Interests of Kings are weighed & valued after a farre different manner from those of priuate men: these by the store of Income; those by Extent of Dominion, number of subiects, & Reputation abroad. What charges haue not the Kings of Spaine ben at in Flanders, to haue one Title more? Is Tangier of any benefitt to his Ma^tie^ besides the honour of protecon, which that place affoards to the Nauigation of England, & to haue some comand over the Straights? I confesse the comparison with Flanders is very vnequall; but it is lawefull *paruis componere magna*, soe farre as they resemble one another. It is his Ma^ties^ goodnesse to make some accompt of them. It is his iustice, to defend those who haue suffered, because they were his. It may be he lookes upon those two Islands as vpon two Arches of a Bridge ouer to Normandy. His Ma^tie^ hath honoured one of the two with his Royall presense; soe hath His Royall Highnesse y^e^ Duke of Yorke. They doe both knowe farre better then I, not onely of

what aduantage these Islands are to them; but of what disaduantage they would proue to all theire Subiects if they should fall into the hands of a neighbouring Prince powerfull in all things but in Ports & conueniency for shipping; where he might with litle charges prouide good hauens & stations, for whole fleetes to rest there in securitye, & from thence at theire pleasure issue out & annoye the Channell & nauigation of England, & consequently whither the charges his Ma^tie^ is at for theire defense be not a lesser euill then abandoning them to the mercy of such a Prince. If these Islands are of noe aduantage to the Crowne, howe is it come to passe, that y^e^ Kings of England haue euer ben soe zealous for y^e^ preservac̃on of them? King John hauing lost Normandy, did not, according to y^e^ Proverb, *ietter le manche apprez la Coignée.* He passed ouer to Jersey twice, & caused it to be better fortifyed (for before that time it stood as it were vnder the shelter of Normandy, & soe needed litle to be fortifyed). After him his sonne Henry y^e^ 3, allthough by an Agreement he renounced his Right to Normandy, would neuer quitt his Title to the Islands. But it is remarquable that Edward y^e^ 3^d^ in y^e^ Treaty made at Bretigny, wherein he parted with y^e^ Dutchy of Normandy, caused a speciall Clause to be therein inserted, that all those Islands which he possessed in the Coast of France should remaine his as before. And allthough the French by that Agreement & many others & by the Prescriptiō of aboue Eight hundred yeares (for it is soe long since they left Normandy & these Islands to Rollo) are excluded from any just pretension thereunto, it hath neuerthelesse ben & is still an Eye sore to them to behold English Garrisons at theire very doores; and therefore they haue at sundry times afflicted them. For though that ancient Neutrality before spoken of hath ben obserued in regard of Trafficke, which is the end of it, neuerthelesse they haue not forborne attempting against them to make them theire owne upon seuerall occasions. For instance, when Edward the 3^d^ tooke the Title of King of France, one Maraus, a great Sea Captaine, with y^e^ Admirall of France surprized Cornet Castle, & held it three whole yeares with y^e^ Isle of Guernezey, which was

vtterly wasted in y^t^ space. And not long after Alain le Breton, another famous Pyrate, did infest exceedingly y^e^ same Island, witnesse Guillelmus Brito in his Philippis:

> "Et qui rostratis nauibus secat æquor Alanus
> Piratas secum assumat, quibus vtitur ipse
> Cum Grenesim rebus iuuat expoliare."

Afterwards in the yeare 1372, according to Froissard, Euans y^e^ pretended Prince of Wales sayling to Guernezey tooke it by force, & did there what Victors vse to doe. Then foure yeares after (as I find it in a Flemish Chronicle printed at Lyons in 1561) the Admiralls of France & Spaine ioyning theire fleetes together: the one of them, viz. y^e^ Admirall of France, going before ransomed the sayd Isle for a sum̃e of money; after whome came y^e^ Admirall of Spaine, who tooke it, & destroyed with fire & sword what he could not beare awaye with him.

Betweene those two Inuasions of Guernezey, viz. in the yeare 1374, the Castle of Montorgueil in Jersey & y^e^ whole Island were hardly putt to it by Bertram de Guesclin, Constable of France, with the Duke of Bourbon & y^e^ flower of France; who passing hether vnawares from Britany assaulted y^e^ sayd Castle with all y^e^ force & art which those times affoarded, till at y^e^ last they come to an agreem^t^, that if before the day of S^t^ Michael following the Castle was not relieued it should be surrendred. This was about Midsomer, which was don more to save the reputation of y^t^ great Warriour, then for hope of obtaining it: for it was enough if a Company of armed men presented themselves before the Place in fauour of it. In which time what y^e^ sayd Island might suffer from an Army of Ten Thousand in a moneths time may easily be guessed. See the narration of that Action in y^e^ History of Britany by Bertrand d'Argentré, Lib. 7 Cap. 15. The same Author in his Tenth Booke sayes that in y^e^ yeare 1404 Penhoët, Admirall of Britany, with Du Chastel & Clisson, after they had worsted the English in a Sea Encounter entred the Isles of Jersey & Guernezey plundring y^e^ same, & carying awaye with them much spoile.

I will add but one Instance more to shewe the Auersion the people of these Isles haue to y^e^ French, & howe vnwelcome theire yoke would be to them. About the yeare 1461 in y^e^ declining time of Henry y^e^ Sixt, Edward the 4 hauing allready the vpperhand, a Nobleman of France called Peter de Bresse Comte of Mauleurier, by conniuence of John Neufant Captaine of Montorgueil, a Creature of Hen. 6, hauing received secret orders from Queene Magueret* a daughter of France & wife to Henry y^e^ 6^th^, entred by night into y^e^ Castle, & held it for himselfe fiue or six yeares as Soueraigne Lord of y^e^ Island, but could neuer become master of y^e^ whole Isle—allthough he vsed the people with all possible kindnesse—but onely held those Parishes which are neerest the sayd Castle, with y^e^ Towne of S^t^ Helery. Philippe de Carteret Signior of S^t^ Ouen made good that Parish with y^e^ parts adiacent as well as he could, vntill that, Edward the Fourth being fully settled, S^r^ Richard Harliston Vice-Admirall of y^e^ narrowe seas, being at Guernezey with a squadron of Shipps, was inuited by the sayd Philipp de Carteret to inuest Montorgueil by sea, while himselfe with the land forces should come vnawares, & besiege it on y^e^ Land side. Which was don with such speed & secrecy, that the French, who thought themselves secure from a siedge, nor had prouided for it, were reduced to the extremity of surrendring, before any succours could be had from beyond sea. In which siedge many of y^e^ Islanders lost theire liues, exposing themselues to all dangers, through eaguernesse of regaining y^e^ place. For which seruice Harliston was made Gouernour, & y^e^ Islanders had a newe Charter granted them by Ed. 4 wherein theire good seruice on that occasion is specifyed; and y^e^ sayd Clause hath in all y^e^ subsequent Charters ben continued to be inserted, vnto this very day, *ad perpetuam rei memoriam.*

I had allmost forgott to speake of y^e^ Militia of this Island. It consists of three Colonyes,* in twenty seuen Companyes of foot, good firemen, well arm'd and well disciplin'd; and a Troop of horse. These be the certaine Trained Bands obliged to be in

* Sic.

readinesse vpon all occasions. But there are aboue one Thousand besides of lusty fellowes, able to serue, but vnable to prouide themselues arms and munic̃on, who might be added to these.

There are in every Parish two or three Brasse field peeces with cariadges & other appartenances still in readinesse, with horses to drawe them, Gunners & other attendants; and a superior Officer ouer them all. Besides in y^e^ most dangerous & suspitious places about y^e^ Coast there are Great Iron Peeces placed for Defense, with men appointed to looke to them, & to serue with them, if there should be any cause for it.

I must add by way of Corollary a Censure of M^r^ Cambden, in what he sayth, that *in hanc damnati olim relegabantur;* that in times past this was the place whither banished persons were sent, alledging for proofe Prætextatus & Malgerius, both Archbishops of Roon.* It is true the first of them was soe. But for Malgerius y^e^ place of his Banishment was, not Jersey but Guernezey; where he grewe inamour'd of a Damsell called Gillia, & had issue by her; of which name there are still familyes in y^e^ sayd Isle, called Gille or Guille. See Guilelmus Gemeticensis, Lib. 5 Cap. 24.

* Sic.

CHAP. XV.

Of things Detrimentall.

I have ben ouer prolixe in discoursing of those things which may be of some beauty or aduantage to the Isle of Jersey. *Bona fides* requires that I should not conceale the other things, which may seeme to be of some deformity or disaduantage to it. It can not be denyed but that the sayd Isle of Jersey is much beholding to the Sea, y^{t} supplyes it soe abondantly with bread & firing, that is with Vraic an excellent fewell & manure for y^{e} ground both burn't & vnburn't; besides fish, Nauigation & other conueniencyes which y^{e} sea affoards. But if one consider the great diminuc̃ons which y^{e} sayd Island hath suffered both of old time & lately by inundations & sands, it wil be hard to say whither those aduantages or these losses be y^{e} greater. For first it appears by history that y^{e} Islet nowe about a mile distant from the Land was about Eleuen hundred yeares agoe ioyned to it: for S^{t} Maglorius settled himselfe there & erected a Schoole of Christianity, which was continued till at last it was conuerted into an Abby. Of which the shallownesse of y^{e} sea betweene that small Island & y^{e} Towne, & all along y^{t} coast towards S^{t} Albin, & betweene y^{e} fort there & y^{e} next part of y^{e} Land, is noe contemptible testimony. If soe, it is not hard to guesse what a Tract of good land hath ben lost by that incroachement of the water. Next, it is acknowledged, & y^{e} Records of those times testifye it, that in y^{e} Parish of S^{t} Ouen the Sea hath ouer whelmed within these 350 yeares the richest soile of that Parish, that is a Vale from beyond the Poole towards Lestac in Lenght, & in breadth from the hills very farre into

the Sea; & that to this day stumps of oakes are found in y^e^ sand during the Ebbe, & some ruines of buildings among the rocks: the like whereof is also seene in the Bay of S^t^ Brelade. But of late yeares within the memory of most men two great Rocks lying one behind the other in the Sea at a place called Le Hoc in S^t^ Clements Parish, the neerest of which is seuered from the Land a Bow-shot at full sea, were ioyned to it, & serued many men yet aliue to drye Vraic vpon: which in former times was the fate of a great Tract of Land neere Montorgueil Castle, called Le Banc du Viellet; which appeareth aboue water at halfe Ebbe, like an Island, at some distance from the maine Land. As for the Sands, because the hurt from them is caused by westerly winds (which blowe y^e^ greatest part of the yeare in these Islands & driue them from the Sea-wards vpon the Land), theire disaster is not seene, but in the westerne parts, & esp̃ally in the Parishes of S^t^ Ouen & S^t^ Brelade; but greater in the last, euen at y^e^ very top of it, which of a long time is vtterly couered therewith a great depth, that it is hideous to behold & of noe vse or proffit at all, being aboue the third part of y^t^ Parish. Not to speake of the harme don by those sands in y^e^ parish of S^t^ Helery from the very Towne to y^e^ Bulwarck of S^t^ Laurence, w^ch^ is not litle, all y^e^ Bay of S^t^ Ouen, formerly full of meadowes & good arable ground, is within these fewe yeares quite spoiled by y^e^ Sands, from the sea to the very hills, & become of noe value. The fabulous reports which haue ben concerning the cause of those sandy banks are not worth being any more published. Neither will I here mention another yet more fabulous Tale of the coniunction of Jersey to Normandy by a Bridge or without a Bridge; which neuer was, vnlesse it were before the Flood. It is very certain that aboue Eleuen hundred yeares agoe it was bestowed vpon S^t^ Sampson Bishop of Dol, vnder the appellation of Island, & y^t^ it was in Antoninus his Itinerary called an Island, aboue two hundred yeares before that. But yet for all that I dare say that whosoeuer shall looke with due reflexion vpon y^e^ most craggy Coast of S^t^ Clement, at a lowe Ebbe, & there behold an infinite number of different rocks close one by another, will

not be much out, for beleeuing that soe many bones of mother Earth were not at first created naked; & consequently that y^e^ Sea hath by degrees at long running worne & diluted that earth w^ch^ was about them; leauing onely that part behind which it could not dissolue. This Island is noe lesse annoyed by seuerall sorts of vermine, creeping & crawling things, then damnifyed by the wind & y^e^ water. It is scarce credible what quantity wee haue of Toades, Snakes, slowe wormes, rats & mice, with theire Enemyes the Stoates; but aboue all of moles, by whose working in the ground it is opened & blowne vp, to the great detriment of corne & grasse, but certainly to y^e^ benefitt of fruite trees, which receiue thereby the more moisture, & beare more plentifully: whereas in Guernezey, where Toades will not liue, nor moles prosper, the trees are not soe fruitfull as with vs. Neither is the Toade or Snake with vs soe venemous as they are taken to be: wee haue them in our orchards & gardens, among our fruit, which lyes on y^e^ ground vngathered whole days & nights, in our waters & springs, & sometimes in our Houses. And children can not but eate of that fruite which they haue troden, and all of vs vse that water which they haue ben in; which is soe farre from being the worse for it that it seemes to be the purer; as if those vgly Creatures did suck & drawe to themselues the worse part of it, leauing the best & purest behind, according to y^e^ Rule, *Simile nutritur Simili.* Indeed there is not in y^e^ world, to speake generally, purer water, nor colder in summer, nor pleasanter to y^e^ tast, then most of our springs be. As for our greene & yellowe Lizards soe frequent in euery hedge, soe tame & harmelesse, though I place them here, because of theire kind, I doe not take them for any deformity, but on y^e^ contrary a grace & ornam^t^ to this Island.

Of field mice wee haue three kinds: y^e^ com̄on sort differing nothing from domestick ones, but onely in biggnesse; y^e^ second kind differing both in bignesse collour & parts, being of a midle size betweene a rat & a mouse, of a gray not dunne colour, & of a deeper haire. They haue but foure teeth, two belowe & two aboue, but those belowe twice as long as y^e^ vppermost;

theire eyes are very litle & scarce discernable: but that which is most remarquable, when you looke vpon them you shall perceiue noe eares, till with yor finger you remoue the shagg that hides them; & then will appeare the eares large as to the size of ye beast, round & open, & very like those of a man, naked of either haire or downe, of a thinne substance, much like that of a bladder. Unto ye which, because that creature was to liue in ye earth, nature hath prouided ye said shelter, as well as to ye eyes, that it might not receiue iniury by ye fall of some hurtfull thing into them.

The 3d sort is not halfe soe bigg as any of the former sorts, being scarce worthy of that name, though the Latins call it *Mus-araneus* & agreeth exactly to Dioscorides his description of *Mygale.* This word *Mus-araneus* is compos'd of a mouse & a spider; not that it participates of ye shape of ye Spider, but of his poisonous quality. Wee haue in Jersey an infinite store of them euery where, but those which heretofore were taken notice of as a rare Singularity proper to vs were those onely found neere ye sea upon Beaches among ye pebles, whose excrement is perfect muske, from whence it is called Musquine, as if one should say a Musk-mouse, of a dun colour euery where but vnder the belly, where it is white. The places most frequented by them are about St Heleryes mont, both neere ye Towne & towards Haure des Pas, whither ye Boyes doe vsually repaire to seeke ye sayd Musk among ye pebles, where it is both easily discerned from other filth, for ye cleanelinesse of ye place, & is alsoe purer & better sented*; because there is nothing there which can corrupt ye smell. There are also other places about ye Island abounding with them, especially one in St Maryes Parish called Crabec. But those in inland parts of the Countrey were neuer, that I knowe, taken notice of to haue the same propriety, but were esteemed a differing kind, & were not called Musquines, but Besaraignes or Musaraignes, for distinction; till very lately, that some hauing flead* one of them for curiosity, they found the skinne to haue ye sent* of a perfumed gloue. In Autumne last

* Sic.

I found one in a Trap. Not the skinne onely, but ye flesh alsoe & entralls, as well as ye excrement, is musky. I kept it about a forthnight, till it began to corrupt, & it had not lost his smell. I found another after Christmas: but I perceived noe sent it had. From whence I conclude one of two things, either that there are two kinds, differing in nothing at all but sent, or that ye same kind looseth ye sent in winter. Though the ancients haue held them for venemous, it was neuer obserued that any of those with vs were soe; nor is it likely that hauing ben soe often handled without any harme, & yeelding soe sweete a perfume, they should be soe. 'Tis no wonder that a beast should be venemous in one place & harmelesse in another. This muske indeed is not of ye strenght of that which comes from foraigne parts, but yet it approcheth neere to it, if kept in a close & warme place. Which is a newe discouery, & worthy obseruation.

THE SECOND PART OF THE TREATISE CONCERNING THE ISLANDS,

CONTEINING

Historicall Fragments & Obseruations of State & Religion before the Conquest.

Noe man can expect there should be any great knowledge of these Islands before theire subiection to y^e^ Crowne of England, seeing there is soe litle preserued of what is happened there since that time: for besides those fewe helpes which the Records in the Tower & at Westminster doe affoard vs, wee can hardly relye vpon any euidence of indubitable Authority. This darcknesse in our affaires, which vseth to deterre others, hath wrought y^e^ contrary effect in mee, by instigating mee to a more exact search in y^e^ Threasury of Antiquity; but esp̃ally in Manuscripts & in y^e^ Liues of Saints, which amongst many fabulous things conteine many truths. What hath ben y^e^ successe shall appeare anon. The first thing that I haue endeauoured to knowe, are the old names which these Islands were knowne by. For what would it availe to read the feates of Jul. Cæsar in Gallia, vnlesse I knewe aforehand what part of the world is Gallia; & y^t^ by y^t^ name is vnderstood a Countrey nowe knowne by the name of France. Cambden, I suppose, is the first who hath co̅mitted to writing that Jersey is that Island in y^e^ British Ocean, which in Antoninus his Itinerary is called Cæsarea, & y^t^ Jersey or Gersey (for it is found written both wayes) is but a Contraction or corruption of

y^t^ name, as Cherbourg or Gerbourg of *Cæsaris burgum;* a very good example, if "*Burgum*" or "*Burgus*" were a Latin word neere Cæsars time. Neuerthelesse his coniecture hath ben followed by all others. Neither is it my purpose to oppose it. But I am much at a stand how, if that be true, it came to passe that not long after Antoninus it should be called by another name soe different from it that it can neuer haue ben deriued from it, nor contracted or corrupted into it by any meanes. What that name was wee may learne from a Donation made of foure of these Islands to Sampson, made newly Bishop of Dol in Britany: wherein this pretended Cæsarea is called Augia & in French Augie. This Donation is found in the life of that Bishop, which I haue seene in written hand very ancient, & in Latin; & is attested by Bertrand d'Argentré in his History. If it be asked why this Augia should be Jersey, rather then some other Island; I will quickly take awaye that scruple by the testimony of a certaine Fragment taken out of the Abbey of Fontenelles by Du Chesne in y^e^ 3^rd^ Tome of his "Scriptores Coætanei Historiæ Francor'," which is neere as ancient as Charles maigne, concerning Geroaldus one of the Abbots there, *Is enim* (sayth he) *quadam legatione fungebatur iussu Caroli Augusti, in Insulam cui nomen est Augia, & est adiacens pago Constantino.* If he had pointed at Jersey with the finger he could not haue shewed it more plainely. For Gregorius Turon., Aymonius & Papirius Masson, speaking of Jersey, without naming it, call it the first *Insulam maris quod adiacet Ciuitati Constantinæ,* the second *Insulam maris quæ adiacet Constantiæ,* & the third *Insulam Constantini littoris.* And it is certain that there is noe one other Island of those that are seated in y^t^ Tract or Coast can be mean't by that expression, saue Jersey onely. For Guernezey is quite out of y^e^ waye; Chausey (which is the likelyest next to Jersey) is an inconsiderable plot of earth, or rockes rather, vnsuitable to such an employment as is spoken of in that Fragment, & not soe much adiacent to Coutance as to Aurenches or the Coast of Britany; and Alderney is yett farther distant from it, being seated ouer against Cap de la Hague, y^e^ extremity of Normandy:

much lesse can it be Serc, Jersey lying betweene it & Coutance, & being neerer it by halfe y^e^ waye. As for Paulus Aemylius he is mistaken in calling it *Insulam Constantiensis Diœcesis:* for at the time of which that Author speakes it was noe part of the Diocese of Coutance, but it was belonging to that of Dol, as is allready sayd, & shall be shewed more fully hereafter. This name hath made many Synonyms in y^e^ world, from Homers time (in whose workes wee find *αὐγειὰ ἐρατεινή*) downewards, and in our time both vpon the Lake of Constance, where are two small Islands of that name, & in Normandy it selfe *Le pays d'Auge,* called by Cenalis *Normannia Augiaca* that is (sayth he else where) *Coele Normannia,* Normandy the hollowe. For *Auge* in old French signifyeth a Trough or such other hollowe thing, & for that reason this name may possibly have ben anciently giuen to this Island, because of the many great Vallyes which are to [be] seene there from one end to the other.

I am apt to beleeue that Augia was the true genuine name of this Island, & that long before y^e^ Romans had any thing to doe in those parts; & y^t^ it was continued among the natiues all along the Romans time, & after theire departure, vntill the Norman Dukes that the Roman name was reuiued, but with a corrupt waye of pronuncing it, till it was at last brought to that of Gersui or Gersoi, as it is found in y^e^ Charter of Willm y^e^ first to y^e^ Abbesse of Caen, & in y^t^ of Edw. y^e^ first to y^e^ Abbot of Mont S^t^ Michel, & in y^e^ Romant of Vaicce, written in French verses in y^e^ time of Hen. 2.

Je di & diray que ie sui
Vaicce de L'Isle de Gersui.

It should be spell'd by an *x* in stead of two *cc,* for two *cc* put back to back make an *x,* & y^e^ sound is the same. I find it alsoe called Gressui & Gresoi, by transposition of the letters, as Guernezey is called often Grenezay. Mathiewe Paris in the life of King John calls it Gersea, & a Manuscript Chronicle of Normandy in y^e^ Library at Oxoñ Gerzy. In most of y^e^ Records, both in the Tower & at Westm^r^, it is written Jereseye; w^ch^

should seeme to be in Imitation of the Saxons, who pronounced Monege, Shepege, Maresege, Rumesege; for Ege in that language signifyeth Island, as if one should say Man-Isle, Shepé-Isle, &c., and Jereségе, Jersey-Isle. And it may as well be that Augic, Sargic, Vesargic, which are proper to Jersey, Serc & Guernezey in the language then vsed in Britany, cary the like emphasis in theire last syllable Ic; for soe y^e^ Bretons called them.

CHAP. ij.

Of Guernezey, Serc, Arme or Erm, &c.

The forementioned Donation consisted of foure Islands which were in that Coast, *qui estoient Isles en la Coste*, sayth d'Argentré, he meanes y^e^ Coast of Britany, adiacent to, or at least not farre remote from Dol, whereunto they were by that Donation adioyned, & which can they be, if not Jersey, Guernezey, Serc & Arme or Erm; for they stand neere one another, without any other betweene, & they stand all at a conuenient distance from the Metropolis of Dol, not farre from y^e^ confines of Normandy. As for Alderney, it is further off, & much neerer England then y^e^ rest. The difficulty lyes in finding y^e^ right Island belonging to euery name. The Islands expressed in y^e^ sayd Donation be these: Rima, Augia, Sargia, Vesargia or Besargia, for it is written both wayes. I haue allready an Island for Augia. It wil be as easy to find another for Sargia, to witt Sarc or Serc (as wee call it nowe), an Island in y^e^ waye betweene Jersey & Guernezey, some thing neerer the last, belonging to Sir Philipp de Carteret, Baronett, by Donation of Queene Eliz:, a very pretty Island, when you are gott into it, but difficult of accesse, & as difficult of ascent; which difficulty is remedyed by a conuenient passage cut through a hill (like that of Pausilypé neere Naples), made vp to the Land by Philipp de Carteret, Ancestor to this. The sayd Island in y^e^ Normans time belonged to a Gent. of Normandy called Nigellus in y^e^ Records, that is Neel, it may be he that is in history called Neel le Vicomte, it matters not; from whose hands it was taken, when that Dutchy revolted, & soe kept in

y^e^ Kings hand euer after, as part of the patrimony of the Crowne: for I find it accompted for in the Exchequer, in Edw. y^e^ 3^ds^ time; but not very long after it was soe infested by Pyrates & roavers that the monkes of S^t^ Maglorius, who had continued there in a kind of Priory, since the departure of theire Founder, that is about Eight hundred yeares, & y^e^ rest of y^e^ Inhabitants, were forced to forsake y^e^ Island, & soe it remained vnhabited & all ouergrowne with bryars, ferne & such like, neere two hundred yeares, during y^e^ French warres & those betweene y^e^ Houses of Yorcke & Lancaster: till y^e^ yeare 1549, that some French seized thereon, leauing there about 400 men to inhabit it; who were there fiue or six yeares, & built two litle Forts; but were soe improuident of sowing Corne for theire subsistance, that theire prouision grewe scanty, & y^e^ solitarinesse of y^e^ place made many of them weary of it; & soe slipt awaye by degrees, till in the end some Flemish Vessells of warre coming to Guernezey, some of theire company led by skillfull pilots landed there in the night without meeting y^e^ least opposition, & marching up to y^e^ forts tooke the French asleepe, & soe dispossess't them of that Island. This is y^e^ accomt of that action which wee haue in Jersey, written by one liuing then; which differs alltogether from the Stratagem of a Coffin full of Arms, in y^e^ history of S^r^ Walter Rawleigh, & I suppose caryes with it more likely-hood of truth then y^e^ other.

That this Isle of Serc must of y^e^ foure aboue named be vnderstood by Sargia or Sargic is euident both from y^e^ neerenesse of y^e^ two names, Sarc being but Sargic contracted, but alsoe from y^e^ testimony of Petrus de Natalibus in y^e^ life of S^t^ Maglorius, saying that he was *apud Sargiam Insulam Notissimus*, & both he & some other Legendaryes affirme that he built a Conuent there, & had many disciples. Which is soe true, that the sayd Conuent was still extant in Edw. 3^rd^ his time: for I find in y^e^ Remembrancers Office an Accompt of y^e^ Reuenue of these Isles, wherein is allowed an yearely pension out of y^e^ sayd Reuenue to S^t^ Maglorius his monkes in y^e^ sayd Isle of Serc. All which put together make it plaine that Serc or Sarc is noe other then

Sargia. And soe hauing begun *a Notioribus, Augiâ* and *Sargiâ*, and applyed them to those Isles which are meant by them, I shall nowe proceed *ad Ignotiora*, which are *Rima* & *Vesargia* or *Besargia*. It remaineth from the foregoing discourse that Guernezey be Rima, & Erm or Arme Vesergia; or else that Arme be Rima, & Guernezey Vesargia; which I take to be the right; for two reasons, the first that Rima hath all y^e^ letters of Arme transposed, by a transposition vsuall in y^e^ names of these Islands; for Gernezey is alsoe written & spoken Grenezey, & Jersey or Gersey Gresui, as I haue allredy shewed. Secondly, because Capgraue in Machute sayth that he left his Bishopricke of Aletha, which is S^t^ Malo, & passed into this litle Island of Arme, where he had heard that there were other Anachorets, which Island was called Earon. Nowe it is certain that this Island hath alwayes ben an Ermitage possessed of a long time, that is since Robert Duke of Normandy, father to y^e^ Conqueror, till Henry y^e^ Eight, by the Abbots of Mont S^t^ Michel, who had in it a Priory with some fewe fryars of that Order. Nowe the word Aron or Earon comes neerer to Arme or Erme then Vesargia. And soe y^e^ Doggs Syllogisme comes to my purpose: The haire* is not gon this waye, nor the other waye; & therefore he must haue gon that waye which onely remaines. Guernezey is not Augia, nor Sargia, nor Rima; it must therefore be Vesargia, which onely remaines. But what necessity is there, will some body say, that the Islands bestowed upon Sampson, Bishop of Dol, should be the Islands of Jersey, Guernezey & y^e^ two others aboue named; since there are many other Islands in the Coast of Britany which may as well haue ben annexed to y^e^ sea of Dol, as these? I have already sayd enough to cleere that objection,* when I spoke of Augia & of Sargia. But that noe scruple may remaine it must be further noted that all y^e^ Islands of y^e^ Coast of Britany were allready dependant of y^e^ severall Bishopricks there, who would haue withstood that Donation, as being contrary to the 14^th^ Canon of the 5th Concill of Orleans purposely made against the dismembring of Churches & Bishopricks: as Leo Bishop of Sens about y^e^ same

* Sic.

time opposed the same King who made this Donation, when he would haue dismembred Meaux from his Sea, to erect it into a Bishoprick; as appeareth by a L're written about it to that King, which is to be found in the first Tome of y^e^ Concills of France. And Pappolus Bishop of Chartres caused Promotus to be deposed from his newe Bishoprick of Chasteaudun, because it was a member of y^e^ Sea of Chartres. Greg. Turon. Lib. 7 Cap. 17. But the most vnanswearable reason is that Childebert King of France had y^e^ Souerainty of noe Islands in all y^t^ Coast besides those possessed afterwards by the Dukes of Normandy as adiacent to that Dutchy: for all y^e^ other Islands ioyning y^e^ Coast of Britany belonged in propriety to y^e^ King or Duke of that Prouince: whereas these by d'Argentré his words seeme to haue ben parted betweene Hoel then King of Britany & y^e^ King of France: for he makes them both concurre in that Donation: which concurrence I thus interpret, That Hoel bestowed as proprietor & Childebert as Superior Lord.

M^r^ Cambden will haue this Island of Guernezey to be that which he sayes is called Sarnia in Antoninus his Itinerary. I doe not knowe what Exemplary he made vse of. But I am sure that the Coppyes of that Itinerary printed at Lyons & Naples, & those of Surita, Longolius & Bertius collationed with y^e^ best Manuscripts in Europe haue all of them Sarmia or Sarma, & not one of them Sarnia, not soe much as in the margent. But, whateuer y^e^ name of y^t^ Island were before, certain it is that it was called Gernereye in y^e^ time of the sayd Robert Duke of Normandy father to y^e^ Conqueror, as may be seene in his Charter to y^e^ Abbot of Mont S^t^ Michel. It is likewise sometimes written Gerneseye, Gherneruia, Grenesye, Grenezey, & Grenesis in Guill. Brito.

CHAP. iij.

Of Sampson, Archbishop of Dol, & of the Entailing of 4 Islands to his Sea, &c.

They who haue committed to writing the affaires of both Britaines doe agree in this, that S^{t} Sampson was Bishop in the Greater, & y^{t}, the Britaines hauing ben forced to withdrawe themselves into the mountaines of Wales by the Saxons & some of them from thence beyond the Seas into the lesser Britaine soe called afterwards from them, he tooke y^{e} same course with the rest. Being arriued theither he was kindly receiued by Hoel then King of that Countrey (as d'Argentré styles him), & recommended to Childebert sonne of Clowis King of France, & soe prouided for by them both, that at theire request Pope Nicolas did erect Dol, a Towne neere the Confines of Neustria, into a Bishoprick for his sake; whereof he was forthwith inuested. And because the Territory thereof was litle, the British King did add to it some other lands in his Countrey & the King of France other places in Neustria, with the Islands next adioyning to that Sea, viz. Rima, Augia, Sargia & Vesargia, which are (as is allready shewed) Arme, Jersey, Serc & Guernezey. They likewise agree in this, that his first Bishoprick in Great Britaine was Metropolitaine, & that for that reason the Pope sent him the Pall & gaue him power to style himselfe Metropolitane, as before. But in this they doe not agree, that some (whereof d'Argentré is one) thinke him to haue ben Archbishop of Yorke, & others, with more truth, of Meneuia nowe S^{t} Dauis, a simple Bishoprick, but then metropolitane of Wales. He had enough to doe in

settling of Christian Religion in & about his Citty of Dol, where it had to that houre made but small progresse: and therefore the sayd Islands remained vncared for during his time, till that after his death his neere kinsman & companion of exile Maglorius succeeded him: of whome I shall speake by and by: but first I must inquire into the condition of y^e^ sayd Islands at that time, as to Religion. And because Colonyes vsually doe retaine the manners & Customes of theire mother-countrey, it will not be from my purpose to enquire from what Coast either of Neustria or Armorica the sayd Isles haue at first ben inhabited. It may be gathered from y^e^ authority of Cæsar, Strabo & others, that the Coast of Gallia, then called Armorica, but nowe Britany, hauing the best Ports of all Gallia, whereas the other Coast of the Morini & Lexobii nowe called Normandy, hath none, but a fewe shallowes, fitt for none but small Boates; it is very probable that by that aduantage of shipping & commerce it gaue y^e^ first Inhabitants to y^e^ sayd Islands; & secondly that by the Relation of them to the Sea of Dol a mutual correspondence betwixt them & the Armoricans, with a common language betweene both, was long preserued; till they were subdued by the Normans, who had them euer after in theire possession [and] droue awaye y^e^ best Inhabitants, planting therein a Colony of theire owne & changing both Lawes & Language. This first plantation of y^e^ sayd Islands from Britany & theire dependance on that Prouince is confirmed by the Author of S^t^ Wandrills life afore cited, who speaking of Augia adds *quam Britonum gens incolit*, & by Petrus de Natalibus, who in the life of Maglorius calls the Isle *Sargia Insulam Britanniæ*.

As for the Religion of these Islands or rather Superstition under Paganisme, as it should in reason haue ben y^e^ same with y^t^ of y^e^ Armoricans, soe I haue cause to suspect that they had some Rites of theire owne not vsed elsewhere, when I looke vpon those Poquelayes spoken of in the former Part: for I take them to haue ben sett vp for Altars vpon hills & open places & many times neere the Sea, to offer Sacrifices *Sub Dio* to the Earth or some Planet. I say by those Poquelays seeme to be signifyed

some Rites of that time not common to the Continent, where noe such stones are to be seene, that I can heare of. And that those stones serued for Altars I am y^e^ apter to beleeue because that at ten or twelue foot distance from them there is still another stone not soe high as the rest, planted vp in the manner of a Desk, where I conceiue the Priest stood performing the vsuall ceremonyes while the Sacrifice was consuming; & secondly because that vnder those Stones or thereabouts haue ben found in y^e^ earth certaine round Rowes of Stones, with perfect ashes in the middest of them; and sometimes a litle stone fashioned into the forme of a Smiths Anuill, noe bigger then a mans fist. All which things seeme to shewe that those monuments serued for the Idolatry of those times.

As for Christian Religion it is not easy to marcke precisely the time of its first beginning in these Islands: for questionlesse it came not in all at once, by a Generall Conuersion, noe more then in other parts. It was first preached or taught in secret, then more openly, when it had gott the fauour of some protection, then it was recommended, but not forced; till at last, Paganisme being decryed & quite subdued, it was established by Lawe. It found a mighty obstacle to its growth in the Irruptions of Goths, Vandalls & other Northerne people, which fell vpon those times; soe y^t^ it could not be perfectly free till y^e^ Reigne of Clodouœus, first Christian King of France, who authorized it by his example, yet soe as Paganisme was still permitted & long after practiced. S^t^ Austen sayth in an Epistle to Hesychius: "*Ad Oceani etiam littora in Occidentalibꝯ ptibus Ecclesiā peruenisse iam nouimus.*" And Paulinus calls Victricius, Archbishop of Roan,* Apostle of the Gentiles—& sayth, "That the Morini seated in y^e^ end of the world had by his preaching receiued the Gospell, & y^t^ y^e^ Townes, Villages, Islands & forests sometimes the Refuge of Robbers & Pyrats were dignifyed by the presence of holy men." This was about y^e^ yeare 450, a hundred yeares before Maglorius. But those words intend not an vniuersall Conuersion, but onely a good step towards it; the compleatenesse whereof was not till the Reigne

* Sic.

of Childebert about yᵉ yeare 554, who made the Constitution *De abolendis Idolatriæ reliquiis.* Tomo 3º Concil. Gall. pag. 300. But neither did Paganisme then cease alltogether, especially in obscure & remote places such as were these Islands, accompted as it were out of yᵉ world. There were euen vpon the Continent places where it was publickly professed in Childeberts dayes, & long after. Peter Camusat in his Hist. of Troye tells how Lupus Bishop of Sens (who liued about 600) being exiled into Neustria purged Andesagina of some fanatick Temples, & baptized Boso with a great part of his Army, who till then had ben Pagans. Vincent in his Histoř. reports as much of Vigor Bp. of Bayeux & Petř. de Natalibꝯ of Sᵗ Omer. The Compilers of the liues of Maclouius, Melanius, Gildas & others, followed by d'Argentré in his History, acknowledge the like of yᵉ Coast of Britany, where there was a strange mixture of Christianisme with Heathenisme, while most men approued yᵉ one, but could not quitt the other. If this was soe in the firme-land, what shall wee thinke of yᵉ Islands? Sigebert speaking of yᵉ Island Aaron or Earon, heretofore mentioned, sayth, "Illis in partibus adhuc Dæmonū squalebat spurcitia &c." The same might have ben sayd of all those others of yᵉ same Tract; of yᵉ conuersion whereof I am nowe to speake.

CHAP. iiij.

The Conuersion of Jersey & Serc from heathenisme to y^e^ Christian Religion by Maglorius Bp. of Dol.

Sampson Archbishop of Dol being dead, Maglorius succeeded him in y^e^ Bishoprick, & had bestowed on him y^e^ Pall & honour of Metropolitane by y^e^ Pope, as his Predecessor. Hauing resided in the place some fewe yeares he resigned the same to one Budic, & transported himselfe, first into the Isle of Sarc, where he caused a Conuent or College (for such were the Conuents of those dayes) to be built in that part of it which is at p̃nt called "The litle Serc"; which hath continued euer since, first vnder y^e^ Sea of Dol, then vnder that of Coutances about eight hundred yeares, till that Island was abandon'd & quite giuen ouer to the mercy of Pyratts, during y^e^ French warres & those betweene y^e^ two Houses of Yorke & Lancaster. Hauing settled & made a good stocke for Christian piety, he passed into Jersey then called Augia; where he laboured soe successfully that y^e^ Islanders with theire Gouernour, who was knowne in those dayes by y^e^ Title of Comes, an honour onely for life, whose name was Loyescon, were all made Christians, & baptized, schooles & places of meeting for diuine worship appointed, & paganisme in a short time quite rooted out. After that he had passed the rest of his life in workes of piety & mortification, he dyed & was there buryed with such Veneration & opinion of Sanctity, y^t^ the like is not reported of any other in those times, if wee may giue credit to the Authors of his life. An old Martyrology at Oxoñ speakes of him in these words.

ix. Kal. Nouemb.

Apud Britanniam Citeriorem in Regione Dolensi Natales St. Maglorii confessoris excellentissimi post Sampsonem in Archipræsulatu innumerabilibus miraculis mundo coruscantis, deinde vero relicto Episcopatu atq; mundiali dignitate per multa annorū curricula monarchiam plurimorum Cænobitarum gubernans monasticé vixit, inibique Anglicé in corpore degens leprosos surdosq; atq; cæcos innumerabiles pristinæ sanitati restaurans, Dei nomine tres mortuos resuscitauit.

He layd buried in this Isle of Jersey about ye space of two hundred & fifty yeares in a Chappell of his name, whereof ye fondation is yet to be seene in ye Parish of St Sauiour, close by a free Schoole of the same name but corruptly pronounced St Manlier, being visited by Pilgrims & votaryes from farre & neere, till ye yeare eight hundred & fifty seuen, in which yeare his Body was taken vp by Neomenius then reigning in Britany, for ye conueniency of deuotion don to it; because ye Island was too difficult of accesse, by reason that ye Danes made frequent inrodes theither. It was first caryed to a Priory built of purpose called Lehon, where it continued three score & six yeares, till it being vnsafe there also, for ye warre betweene ye Normans & Britons for ye Homage of Britany pretended by ye Norman Dukes & refused by ye British, it was taken frō thence & conuayed to Chartres, & from Chartres to Paris, with great solemnity, where it lyes at p̃nt, not in the Chappel of St Denys, as d'Argentré thinkes, but in the Kings Chapell of St Bartholomy, nowe become an Abbey vnder ye name of St Bartholomy & St Magloire. This is he vnto whome the Isle of Jersey oweth ye great & vnspeakable benefitt of Conuersion, & faith in Christ, bestowed on it about ye yeare of our Lord 565 to ye yeare 570, at a time when Superstition had not yet inuaded ye place of Religion, nor idlenesse crept into monasteryes.

While I am vpon the subiect of Religion, two other Jersey Saints offer themselues to be spoken of in this place. The first *sine die & Consule:* for I could neuer learne either the yeare

or the age he liued in, or what he did to deserue that name, saue that he was a holy man & had a Cell in that place where a Church of his name stands at present, & that is S^{t} Brelads Church, in a retired place called S^{t} Brelads Bay, close by the Sea.

As for the other called S^{t} Helery, he deserues a place in the Martyrology, & though not Canonized after the manner of moderne Saints, he hath a principall place in the Kalender of Coutances in these words:

xvii. Kalend. Aug.

CONSTANTIÆ IN NORMANNIÂ S^{TI} HELERII MARTYRIS A WANDALIS IN GERSEIO INSULÂ OCCISI.

Who these Vandalls were, or when this man was put to death by them, doth not appeare. I thinke they might as well haue ben termed Normanni or Dani, being either those who were at first brought into France by Rollo, or by some others afore him; whome those of Coutance, being themselues Normans, to auoyd the enuy of y^{e} word, call Vandalls. This Martyrdome in probability happened about the time of S^{t} Maglorius his Translation, being y^{e} yeare 857. His name you see is Helier, Helery, not Hilary Bishop of Poitiers, as some haue fancyed: for that Bishop was neuer exiled into Jersey, nor any other but Prætextatus. There haue ben formerly many fabulous reports concerning him, beleeued then like y^{e} Gospell, which put together would make a compleate Legend, most of which are patch't vp together in an old French Rime, formerly in vogue among credulous people, but nowe allmost quite forgotten, in which it is sayd that Sir Agobard, y^{t} is a knight, was y^{e} name of his father, & Elizambard y^{e} name of his mother, & y^{t} like y^{e} prophet Elishah he was wont to delude pirats who came to inuade y^{e} Island, soe as they could not see it, nor approach it. And from thence, when some cloud or darke spott appeares afarre off in y^{e} Sea, hauing y^{e} likenesse of a sayle, y^{e} people of Jersey haue for it a Prouerbiall expression, saying that those be S^{t} Heleryes shipps, *Les Nauires de S^{t} Helier*. Certainly he was noe fourbe,

but a very pious man & of a holy life and greate austerity, & hath not ben soe cryed vp for nothing. There is a little Islet or rather a Rock, at a Bowshot distance from y^e^ New-castle more into the Sea, called S^t^. Heleryes Island, in y^e^ fashion of an Ermitage, where his Cell remaines to this day hewen into the rock, with a Couch of the same rock, where he is sayd to haue passed his dayes in great hardship: which Cell hath ben in times pass't much frequented by pilgrims for farre & neere, vpon y^e^ score of deuotion. S^r^ Thomas Morgan in his last yeare did cause that Rocke to be fortifyed, & planted ordinance vpon it. The towne Church & Parish are dedicated to this Saint, & beare his name; & soe did y^e^ Church and Abbey which was built in y^e^ place where nowe is y^e^ Lower Guard of Elizabeth Castle, which church was much cōmended for goodnesse of structure; and y^e^ quire of it remained entire till y^e^ Siedge of 1651 by Colonell Heane, when it was quite ruined by y^e^ fall of a Bombe through the roofe of it downe to a roome which had ben made vnder it full of powder, which tooke fire & blewe it vp, & with it neere foure score men. The Author of "Neustria Pia" speakes thus of Jersey: "*Illustrior autem haberi cœpit ex quo Sanctus Helerius illic a Wandalis Martyrii palmam accepit. Nam in honorem huius inclyti Athletæ Christi constituta est Insignis Abbatia a D'no Guillelmo Hamone viro nobili & antiqui Stemmatis apud Neustrios Heroe. In quâ Canonicos Regulares Ordinis S^ti^. Augustini posuit.*" This was about the yeare 1125. But this Abbey remained not long. For King Henry y^e^ 2^d^ did vnite it to y^e^ Abbey de Voto at Cherbourg, as is marked by Joh: de Monte in his Appendix. What hath ben sayd hetherto of a Donation made to Sampson Bishop of Dol & his success^rs^ of these foure Islands is not to be vnderstood as if the Doners had parted with y^e^ temporall Right which they had therein, but onely of the Pastorall care & Inspectiō with those Episcopall dues thereunto belonging. For as to the Ciuill Part, that is y^e^ Souerainty & with it the Protecc̄on by Armes & y^e^ Jurisdic̄on, y^e^ sayd Princes never parted with it, as plainely appeareth by y^e^ aboue cited Fragment in Duchesne his Collections, wherein it sayd that

Geroald Abbot of y^{t} place was com̄issioner from Charlesmaine into Jersey.—*Is enim* (sayth he) *quadam legatione fungebatur in Insulam cui nomen est Augia,* & a little lower—*Cui præ erat Dux cognomento Amwarith.* Which passage though very succinct conteines much of y^{e} Ciuill Gouernement of those dayes. It appears by the Capitulars or Ordinances of y^{t} Prince, that the sayd Gouernem^{t} consisted of two powers as to the Administracon thereof, the one ordinary & certaine, the other extraordinary & occasionall. The ordinary power was in the hands of ordinary Officers, which continued noe longer then it pleased y^{e} Prince. These were called *Duces* or *Comites;* for I find noe great difference, Dukes & Earles, names not of dignity but office. In Childeberts time Loyescon was *Comes* in Jersey, as is aboue sayd. And heere in y^{e} time of Charles y^{e} Greate y^{t} superior Officer is called *Dux:* soe y^{t} these two termes signifye nothing else but a Captaine, Com̄ander in chiefe or Judge. But, as y^{e} Royall power began to decaye vnder that slothfull succession of Kings, those *Duces* & *Comites* by degrees increased theires & at last many of them cantonized themselues into Principalityes, with litle or noe dependence from the Crowne: & those Titles became at last hereditary. The other Branch of power was *per Legatos Dominicos,* who were Extraordinary Com̄issioners sent occasionally to ouersee y^{e} actions & deportments of those *Duces* & *Comites,* or for other Causes. These are in y^{e} Capitularyes of Charlesmaine & Carolus Caluus styled *Legati* & *legati Dominici;* & theire com̄ission expired with the businesse they went about. And thus you see the Isle of Jersey was then gouerned by a chiefe Officer appointed by y^{e} K^{gs} of France; & not in y^{e} sole & entire power of y^{e} Bishops of Dol. But y^{e} Normans hauing gott the possession of Neustria, & preuayling at Sea by theire shipping, they quickly wrested these Islands out of y^{e} Bishops of Dols hands, & gaue the Inspection ouer them to a Bishop of theire owne, that is to say y^{e} Bishop of Coutance, who hath continued theire ordinary euer since, notwithstanding y^{e} long & troublesome warres ensued afterwards betweene the two Crownes, & y^{e} Reuolt of Normandy from y^{e} Crowne of Engld & separation

of these Islands from Normandy, downe to Queene Elizabeths time; in all which Interuall, though ye Islands were freed from ye Norman dependance *in temporalibus*, they were still vnder it *in spiritualibus;* without any other interruption, saue yt King John, hauing lost Normandy, in an angry fitt would needs annexe them to ye Sea of Exeter, as appeareth by ye Roolles in ye Excheqr; but that fitt was soon ouer. I doe not approue of Robertus Cenalis his opinion, that they were sometimes vnder ye Bishop of Auranches. His mistake proceeds from ye perusall of some Papers wherein he found that his predecessors, Bishops of yt Sea, possessed some Tythes & lands in some of them; & he concludes *ab vnâ parte ad Totum*, without any warrant from Antiquity.

When ye Dukes of Normandy had embraced [the] Christian Religion they went from one extremity to ye other, from ye extremity of Barbarisme to yt of Deuotion & liberality towards the seuerall Abbyes & other Religious places of theire Dutchy: that of Mont St Michel had not ye least share: for he gott *medietatem Insulæ de Gernezey* (as ye words of ye Charter are recorded in ye Exchequer Ao Ed. 2, or as the Author of "Neustria Pia" hath it, *Dimidiam Insulam de Gerneruid*) halfe ye Isle of Guernezey. Which halfe being vnderstood of what those Dukes possess't there, & being then vndetermined, it was afterwards limited to ye place called Le Valle, a considerable manour, with ye Isleand of Erm or Arme, & ye Tythes of some parishes in propriety; which the "Monasticon Anglicanum" expresseth thus out of Pope Adrians Bull Ao 1155. *Et quicquid habent in Ins. quæ vocatur Gersey: Et in Insul. quæ vocatur Gurnege* (it must be Gernerye) *quartam partem. Et in ead. Insul. Eccl̃am St̃i Saluatoris, Eccl̃. St̃æ Marie de Castro, Eccl̃am St̃i Michaelis de Valle, Eccl̃am St̃i Petri de Bosco, Eccl̃am St̃æ Mariæ de Lishon* (it must be Lihou) *cū ptin. suis, & Capellam St Georgii.* All which Churches were esteemed for another fourth part, & with ye Valle & Arme made vp ye foresayd halfe of yt Island. The sayd Abbot had bestowed on him in Jersey two considérable manours, St Clement

& Noirmont, with y^e^ Prioryes thereto belonging, & y^t^ of Laic, called Lay in y^e^ sayd "Monasticon"; where it is thus written: *Prioratuū alienigenarū Catalogus qui in Leicestrensi Parliamento suppressi sunt A^o^ Hen. 5. 2^do^ A^o^ Dom.* MCCCCXIIII. *Prioratus de Lay in Ins. Gersey, subest S^to^ Mich. in peric. Maris, Pat. 35, Ed. 3, parte 1, memb. 14. Prioratus Lihou in Ins. Gers.* (read Gern.), *S^t^ Mich. in Monte Tumba, pat. 19, Ri. 2, part. 1, m. 16. Priorat. de Nigro Monte Jersey, S^t^ Mic. in pic. mar., pat. 19, Ri. 2, part. 1, m. 16. S^ts^ Clem. in Ins. Gernsay* (read Gersey), *S^t^ Mich. in peric. mar., pat. 35, Ed. 3, part. 1, memb. 14. De Valle Ins. Gers.* (reade Gern.), *S^t^ Mich. in peric. mar., pat. 35, Ed. 3, part. 1, m. 14.* The Abbot of S^t^ Sauiour le Vicomte obtained the Manour of S^t^ Sauiour, the patronage of S^t^ Helery & some other parcells. Cerizay got (as appeares by the sayd "Monasticon") *duas Ecclesias liberas scil. Ecclesiam S^tæ^ Mariæ Arsimonasterii & S^ti^ Martini veteris*, by the Charter of William the first, to be alsoe found in "Neustria Pia," p. 432. The Abbesse of Caen did possesse in Jersey of y^e^ Gift of Willm y^e^ Conq. *Terram duorū francorum hominū, vnum molendinum et medietatem decimæ de quinque Parochiis & sextam garbam de vna Parochia et dimidia, & terrā et decimas quas Raynaldus Capellanus noster* (they are the words of y^e^ Charter) *in ead. Ins. de me tenebat.* Which Charter is to be seene at Westm^r^ & in "Neustria Pia."

Many other Manours & parcells of land which had ben in the possession of y^e^ Britons or ancient Inhabitants were bestowed vpon those Danes who were come in with Rollo, to be held in Capite, in whose hands they remained till y^e^ time of King John, who, after the losse of Normandy, seing many to haue estates both in that Prouince & in these Islands, summoned them to doe theire duty, vpon paine of forfaiture: whereupon it followed that such as had greater possessions in Normandy were faine to abandon what they had in y^e^ sayd Islands, which was deuolved to y^e^ Crowne. But Churchmen were suffered to continue theire possessions quietely enough, till y^e^ Reigne of Henry y^e^ 8.

From the first Duke of Normandy to the Reigne of King John these Islands were gouerned by a person of mixt power, that is to say, who had both the military and Ciuill power comitted vnto him. This Officer was called Bailly, which is as if one should say *Custos* or Guardian: for he was both *Custos Legum & Custos Terræ:* And therefore our old Custome Booke alluding to that word sayth, That the Bailly is sent by the Prince of Normandy *pour garder sa Terre.* He did exercise the military pt in his owne person; but y^e^ Ciuill by a Deputy, who in processe of time is become sole minister of Justice, & with y^e^ office hath kept the name of Bailly: but y^e^ Title of Captaine, Guardian & Gouernour hath ben appropriated to him who had formerly the name of Bailly. And soe that office was cutt in two; & Justice was administred much after y^e^ manner as it is nowe in y^e^ Bailliages of Normandy.

The Isle or Isles (for there be many) of Chauzay should by right, as all y^e^ rest of this Tract, haue remained in the Kings of Englands possession, & likely would haue don soe, if they had ben thought worth the charge of keeping. I conceiue that the neerenesse of them to both Prouinces of Normandy & Britany, & theire inconsiderable value or the consideracon of the Abbot of S^t^ Michel who pretended to them, were the reasons why they were not much regarded. And therefore in the yeare 1343 the French seing those Islands neglected and vacant began to vsurp them; for then King Philipp gave them vnder the name of *Insula Chasonensis* (or rather *Chausonensis*) to the Minoritan Fryers, sayth Franciscus Gonzaga *De Origine Seraphicæ Relig: Franciscanæ, Parte 3, Conuentu 7.* And they by permission of Clement the 6 built there *Minoriticam quandam Aedem et Conventū,* a Temple & Conuent. Which Friary (sayth he) was thrice spoiled by the English, in the yeare 1545 & in the following yeares, & was at last deserted; till that some yeares after y^e^ Comte of Matignon (who ownes them at present), sent thither a seruant, & soe hath continued hetherto. This Officer makes a shift to scrape a liuing thence, from y^e^ Conyes which abound in

all these Islots, & liue most upon Vraic, which growes there in such quantity & perfection as is scarce credible, from whence y^e^ Jersey boates fetch it for burning, in summer time, & from the freestone which is quarryed there in such quantity that it supplyes the Towne of S^t^ Malos & y^e^ Islands of Jersey & Guernezey, both to build & to make theire Troughs to stamp Apples; because [it] is easier to be cutt & wrought either with y^e^ pointed hammer or chisill then that freestone wee haue in Jersey and therefore cheaper. Ours is a graine stone, which growes in a place called mont mado, not soe gray as that from Chauzey but much harder, soe y^t^ it might be smoothed marble-wise, & is much better in building then that. For it is a Land Stone remaining drye in all weathers; whereas the other being a Sea Stone is subiect to sympathize with y^e^ weather, yeelding store of moisture in rainy weather; which is a great inconuenience in buildings made for dwelling places, for y^e^ damage which household stuffe receiues thereby. As for the Chauzey Vraic it burnes much cleerer then that of y^e^ Coast of Jersey and maketh a hotter fire and stronger ashes for manuring y^e^ ground, or for the vse of Soape & Glasse-makers, as hath ben frequently tryed. The reason of which I conceiue to be because it is there foure, fiue, or more yeares in growing & soe harder & more perfect; whereas ours is cutt at least once euery yeare, & many times twice, being soft & without firmenesse.

The small Islot of Ekerho had anciently a small Priory belonging to Jersey, & endowed from thence; the Ruines whereof remaine to this day; which serue in rainy weather for a shelter to such as goe theither to fish or fetch Vraic; the place affoarding nothing besides, & being of noe vse at all.

FINIS.

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